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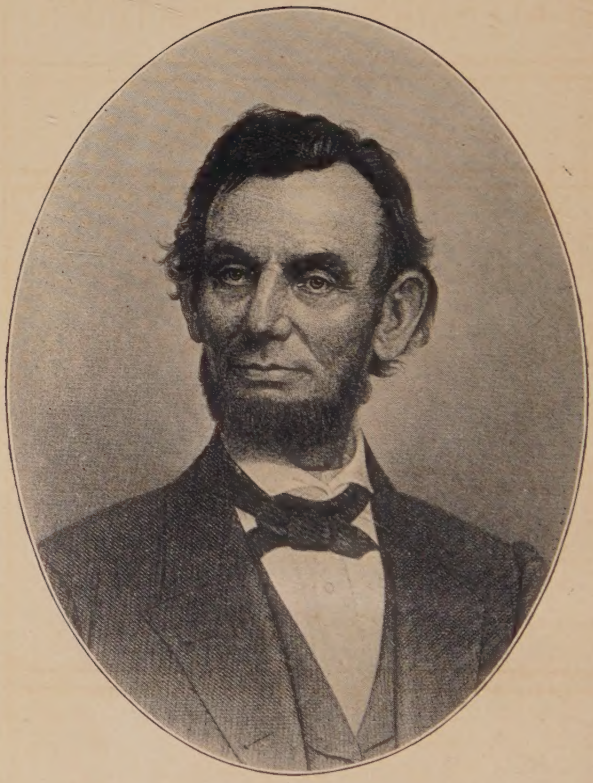

ABRAHAM LINCOLN.

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FAMOUS AMERICAN STATESMEN & ORATORS

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WITH

BIOGRAPHICAL SKETCHES

—AND—

THEIR FAMOUS ORATIONS

IN SIX VOLUMES

VOLUME II

ALEXANDER K. McCLURE, LL.D.

EDITOR

Author of "Lincoln and Men of War Times," "Our Presidents and How We Make Them," etc.

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NEW YORK

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HOLLAND.

Holland, Josiah G., an American editor and novelist, born at Belchertown, Mass., July 24, 1819; died in New York city, October 12, 1881. After practising medicine for a few years he established himself at Springfield, in his native state, and was one of the editors of the "Springfield Republican" newspaper for a long period. In 1870 he became the editor of the newly-established "Scribner's Magazine" in New York city, continuing to hold that position until his death. He was one of the most popular lyceum lecturers of his time, and addressed enthusiastic audiences in very many places. He published a long list of volumes of fiction, essays and verse, and exercised for many years a most beneficial, helpful influence upon American middle class life.

EULOGY OF ABRAHAM LINCOLN.

DELIVERED IN SPRINGFIELD, MASSACHUSETTS, APRIL 19, 1865.

We have assembled to honor the memory of the first citizen of the republic. We have come together to say and to hear something which shall express our love for him, our respect for his character, our high estimation of his services and our grief at his untimely removal from the exalted office to which the voice of a nation had called him. Yet the deepest of our thoughts and

emotions are always dumb. The ocean's floor has no voice, but on it and under it lie the ocean's treasures. The waves that roll and roar above tell no story but their own. Only the surface of the soul, like the surface of the sea, is vocal. Deep down within every one of our hearts there are thoughts we cannot speak, emotions that find no language, groanings that cannot be uttered. The surprise, the shock, the pity, the sense of outrage and of loss, the indignation, the grief, which bring us here—which have transformed a nation jubilant with hope and triumph into a nation of mourners—will find no full expression here. It is all a vain show—these tolling bells, these insignia of sorrow, these dirges, this suspension of business, these gatherings of the people, these faltering words. The drowning man throws up his arms and utters a cry to show that he lives, and is conscious of the element which whelms him; and this is all that we can do.

Therefore, without trying to tell how much we loved him, how much we honored him, and how deeply and tenderly we mourn his loss, let us briefly trace the reasons why his death has made so deep an impression upon us. It is not five years since the nation knew but little of Abraham Lincoln. We had heard of him as a man much honored by the members of a single party—not then dominant—in his own State. We had seen something of his work. We knew that he was held to be a man of notable and peculiar power and of pure character and life. Indeed, it is doubtful whether the nation knew enough of him to justify the selection made by the convention which presented

him to the country as a candidate for its highest office. To this office, however, he was triumphantly elected, and since that time his life has run like a thread of gold through the history of the most remarkable period of the nation's existence.

From the first moment of his introduction to national notice he assumed nothing but duty, pretended to nothing but integrity, boasted of nothing but the deeds of those who served him. On his journey to Washington he freely and unaffectedly confessed to those who insisted on hearing him speak that he did not understand their interests, but hoped to make himself acquainted with them. We had never witnessed such frankness, and it must be confessed that we were somewhat shocked by it. So simple and artless a nature in so high a place was so unusual, so unprecedented, indeed, that it seemed unadapted to it—incongruous with it. In the society which surrounded him at the national capital, embracing in its materials some of the most polished persons of our own and other lands, he remained the same unaffected, simple-hearted man. He was not polished and did not pretend to be. He aped no foreign airs, assumed no new manners, never presumed anything upon his position, was accessible to all and preserved throughout his official career the transparent, almost boyish simplicity that characterized his entrance upon it.

I do not think that it ever occurred to Mr. Lincoln that he was a ruler. More emphatically than any of his predecessors did he regard himself as the servant of the people—the instrument selected by the people

for the execution of their will. He regarded himself as a public servant no less when he issued that immortal paper, the proclamation of emancipation, than when he sat at City Point, sending telegraphic despatches to the country, announcing the progress of General Grant's army. In all places, in all circumstances, he was still the same unpretending, faithful, loyal public servant.

Unattractive in person, awkward in deportment, unrestrained in conversation, a story-lover and a story-teller, much of the society around him held him in ill-disguised contempt. It was not to be expected that fashion and courtly usage and conventional dignities and proprieties would find themselves at home with him; but even these at last made room for him, for nature's nobleman, with nature's manners, springing directly from a kind and gentle heart. Indeed, it took us all a long time to learn to love this homely simplicity, this artlessness, this direct outspeaking of his simple nature. But we did learn to love them at last, and to feel that anything else would be out of character with him. We learned that he did everything in his own way and we learned to love the way. It was Abraham Lincoln's way, and Abraham Lincoln was our friend. We had taken him into our hearts, and we would think of criticizing his words and ways no more than those of our bosom companions. Nay, we had learned to love him for these eccentricities, because they proved to us that he was not controlled by convention and precedent, but was a law unto himself.

Another reason why we loved him was that he first loved us. I do not believe a ruler ever lived who loved his people more sincerely than he. Nay, I do not believe the ruler ever lived who loved his enemies so well as he. All the insults heaped upon him by the foes of the government and the haters of his principles, purposes, and person, never seemed to generate in him a feeling of revenge or stir him to thoughts and deeds of bitterness. Throughout the terrible war over which he presided with such calmness and such power he never lost sight of the golden day, far in the indefinite future, when peace and the restoration of fraternal harmony should come as the result and reward of all his labors. His heart embraced in its catholic sympathies the misguided men who were plotting his destruction, and I have no doubt that he could and did offer the prayer: "Father, forgive them, for they know not what they do!" We felt—we knew—that he suffered a thousand deaths in the destruction of the brave lives he had summoned to the country's defence, that he sympathized with every mourner in this mourning land, that he called us to no sacrifice which he would not gladly have made himself, that his heart was with the humble and the oppressed, and that he had no higher wish than to see his people peaceful, prosperous, and happy. He was one of us—one with us. Circumscribed in his affectionate regard by no creed or party, or caste, or color, he received everybody, talked with everybody, respected everybody, loved everybody, and loved to serve everybody.

We loved and honored him, too, for his honesty and integrity. He seemed incapable of deceit and insusceptible of corruption. With almost unlimited power in his hands, possessing the highest confidence of the nation and the enthusiastic devotion of the most remarkable army the world ever saw, with a wealth of treasure and patronage at his disposal without precedent, and surrounded by temptations such as few men have the power to resist, he lived and died a man with clean hands and a name unsullied even by suspicion. Nothing but treasonable malignity accuses him of anything more culpable than errors of judgment and mistakes of policy. Never, even to save himself from blame, did he seek to disguise or conceal the truth. Never to serve himself did he sacrifice the interests of his country. Faithful among the faithless, true among the false, unselfish among the grasping, he walked in his integrity. When he spoke we believed him. Unskilled in the arts of diplomacy, unpractised in the ingenuities of indirection and intrigue, unlearned in the formalities and processes of official intercourse, he took the plain, honest truth in his hands and used it as an honest man. He was guilty of no trick, no double-meaning, no double-dealing. On all occasions, in all places, he was "Honest Abraham Lincoln," with no foolish pride that forbade the acknowledgment and correction of mistakes, and no jealousy that denied to his advisers and helpers their meed of praise. The power which this patent honesty of character and life exercised upon this nation has been one of the most remarkable

features of the history of the time. The complete, earnest, immovable faith with which we have trusted his motives has been without a precedent. Men have believed in Abraham Lincoln who believed in nothing higher. Men have believed in him who had lost faith in all around him; and when he died, after demonstrating the value of his personal honesty in the administration of the greatest earthly affairs, he had become the nation's idol.

Again, we loved and honored Mr. Lincoln because he was a Christian. I can never think of that toil-worn man, rising long before his household and spending an hour with his Maker and his Bible, without tears. In that silent hour of communion he has drawn from the fountain which has fed all these qualities that have so won upon our faith and love. Ah! what tears, what prayers, what aspirations, what lamentations, what struggles, have been witnessed by the four walls of that quiet room! Aye, what food have the angels brought him there! There day after day while we have been sleeping has he knelt and prayed for us—prayed for the country, prayed for victory, prayed for wisdom and guidance, prayed for strength for his great mission, prayed for the accomplishment of his great purposes. There has he found consolation in trial, comfort in defeat and disaster, patience in reverses, courage for labor, wisdom in perplexity, and peace in the consciousness of God's approval. The man who was so humble and so brotherly among men was bowed with filial humility before God. It was while standing among those who had

laid down their lives for us that he gave his heart to the One who had laid down his life for him. A praying president? A praying statesman? A praying politician? A praying commander-in-chief of armies and navies? Our foremost man, our highest man, our august ruler, our noblest dignitary, kneeling a simple-hearted child before his heavenly Father? Oh! when shall we see the like of this again? Why should we not mourn the loss of such a man as this? Why should we not love him as we have loved no other chief magistrate? He was a consecrated man —consecrated to his country and his God.

Of Mr. Lincoln's intellect I have said nothing, because there was nothing in his intellect that eminently distinguished him. An acute and strong common sense, sharply individualized by native organization and the peculiar training to which circumstances had subjected it, was his prominent characteristic. He had a perfect comprehension of the leading principles of constitutional government, a thorough belief in the right of every innocent man to freedom, a homely, straightforward mode of reasoning, considerable aptness without elegance of expression, marked readiness of illustration, and quick intuitions that gave him the element of shrewdness. How many men there are in power and out of power of whom much more than this might with truthfulness be said! No, Mr. Lincoln was not a remarkable man intellectually, or if remarkable not eminently so. Strong without greatness, acute without brilliancy, penetrating but not profound, he was in intellect an average American

in the walk of life in which the nation found him. He was loved for the qualities of heart and character which I have attributed to him, and not for those powers and that culture which distinguish the majority of our eminent men.

In the light of these facts, let us look for a moment at what this simple-hearted, loving, honest, Christian man has done. Without an extraordinary intellect, without the training of the schools, without a wide and generous culture, without experience, without the love of two-thirds of the nation, without an army or a navy at the beginning, he has presided over and guided to a successful issue the most gigantic national struggle that the history of the world records. He has called to his aid the best men of the time, without a jealous thought that they might overshadow him; he has managed to control their jealousies of each other and compelled them to work harmoniously; he has sifted out from weak and infected material men worthy to command our armies and lead them to victory; he has harmonized conflicting claims, interests, and policies, and in four years has absolutely annihilated the military power of a rebellion thirty years in preparation, and having in its armies the whole military population of a third of the republic, and at its back the entire resources of the men in arms and the producing power of four million slaves. Before he died he saw the rebellion in the last throes of dissolution and knew that his great work was accomplished. Could any one of the great men who surrounded him have done this work as well? If

you were doomed to go through it again would you choose for your leader any one of these before Mr. Lincoln? We had a chance to do this but we did not do it. Mr. Lincoln's election to his second term of office, though occurring at a time when doubt and distrust brooded over the nation, was carried by overwhelming majorities. Heart and head were in the market, but we wisely chose the heart.

The destruction of the military power of the rebellion was Mr. Lincoln's special work. This he did so thoroughly that no chief magistrate will be called upon for centuries to repeat the process. He found the nation weak and tottering to destruction. He left it strong—feared and respected by the nations of the world. He found it full of personal enemies; he leaves it with such multitudes of friends that no one except at personal peril dares to insult his memory. Through this long night of peril and of sorrow, of faithlessness and fear, he has led us into a certain peace—the peace for which we have labored and prayed and bled for these long, long years.

Another work for which Mr. Lincoln will be remembered throughout all the coming generations is the practical emancipation of four million African slaves. His proclamation of emancipation was issued at the right time, and has produced, is producing, will produce, the results he sought to accomplish by it. It weakened the military power of the rebellion and has destroyed all motive to future rebellion. Besides this it accomplished that which was quite as grateful to his benevolent, freedom-loving heart, the abo-

lition of a gigantic wrong—the emancipation of all the bondmen in the land. If he had done no more than this he would have secured for himself the fairest fame it has ever been the fortune of a good man to win. To be regarded and remembered through all coming time as the liberator of a race; to have one's name embalmed in the memory of an enfranchised people and associated with every blessing they enjoy and every good they may achieve, is a better fame than the proudest conquerors can boast. We who are white know little of the emotions which thrill the black man's heart to-day. There are no such mourners here as those simple souls among the freedmen who regarded Mr. Lincoln as the noblest personage next to Jesus Christ that ever lived. Their love is deeper than ours; their power of expression less. The tears that stream down those dark faces are charged with a pathos beyond the power of words.

Yet I know not why we may not join hands with them in perfect sympathy, for, under Providence, he has saved us from as many woes as he has them. He has enfranchised the white man as well as the black man. He freed the black man from the bondage of slavery, and he freed the white man from responsibility for it. He has removed from our national politics a power that constantly debauched them. He has destroyed an institution that was a standing disgrace to our nation, a living menace to our form of government, a loud-mouthed witness to our national hypocrisy, a dishonor to Christian civilization.

The destruction of the rebellion and the destruc-

tion of slavery are the two great achievements on which the fame of Mr. Lincoln will rest in history; but no man will write the history of these achievements justly who shall not reveal the nature of the power by which they were wrought out. The history which shall fail to show the superiority of the wisdom of an honest, humble, Christian heart over commanding and cultured intellect, will be a graceless libel on Mr. Lincoln's fame. I do not know where in the history of mankind I can find so marked an instance of the power of genuine character and the wisdom of a truthful, earnest heart, as I see in the immeasurably great results of Mr. Lincoln's administration. I should be false to you, false to the occasion, false to the memory of him we mourn, and false to the God he worshipped and obeyed, if I should fail to adjure you to remember that all our national triumphs of law and humanity over rebellion and barbarism have been won through the wisdom and the power of a simple, honest, Christian heart. Here is the grand lesson we are to learn from the life of Mr Lincoln. You, Christian men who have voted, and voted, and voted again, for impure men, for selfish men, for drunkards, for unprincipled men, for unchristian men, because they were men of talent, or genius, or accomplishments, or capacity for government, and because you thought that a good head was more important than a good heart, have learned a lesson from the life and achievements of Mr. Lincoln which you cannot forget without sin against God and crime against your country. We have begun to be a Christian na-

tion. We have recognized the controlling power of Providence in our affairs. We have witnessed in the highest seat the power of Christian wisdom and the might of a humble, praying man. Let us see that we remain a Christian nation—that our votes are given to no man who cannot bring to his work the power which has made the name of Abraham Lincoln one of the brightest which illustrates the annals of the nation.

It was the presentiment and prophecy of Mr. Lincoln that his own life and that of the rebellion would end together, but little did he imagine—little did we imagine—that the end of each would be violent. But both parties in the closing scene were in the direct exhibition of their characteristic qualities. Mr. Lincoln went to the theatre not to please himself, but to gratify others. He went with weariness into the crowd, that the promise under which the crowd had assembled might be fulfilled. The assassin who approached his back, and inflicted upon him his fatal wound, was in the direct exhibition of the spirit of the rebellion. Men who can perjure themselves, and betray a government confided by a trusting and unsuspecting people to their hands, and hunt and hang every man who does not sympathize with their treason, and starve our helpless prisoners by thousands, and massacre troops after they have surrendered, and can glory in these deeds, are not too good for the commission of any dastardly crime which the imagination can conceive. I can understand their shock at the enormous crime. "It will put the war back

to Sumter," says one. "It is worse than the surrender of Lee's army," says another. Ah! There's the point. It severs the rebellion from the respect and sympathy of the world. The deed is so utterly atrocious—it exhibits a spirit so fiendish and desperate —that none can defend it, and all turn from it with horror and disgust.

Oh, friends! Oh, countrymen! I dare not speak the thoughts of vengeance that burn within me when I recall this shameless deed. I dare not breathe those imprecations that rise to my lips when I think of this wanton extinction of a great and beneficent life. I can hardly pray for justice, fully measured out to the mad murderer of his truest friend, for, somehow, I feel the presence of that kindly spirit, the magnetism of those kindly eyes, appealing to me to forbear. I have come into such communion with his personality that I cannot escape the power of his charity and his Christian forbearance; and the curse, rising like a bubble from the turbid waters within me, breaks into nothingness in the rarer atmosphere which he throws around me. If he could speak to me from that other shore, he would say, what all his actions and all his words said of others not less guilty than his assassin: "My murderer was mad and mistaken, as well as malignant. He thought he was doing a great and glorious deed, on behalf of a great and glorious cause. My death was necessary to the perfection of my mission, and was only one sacrifice among hundreds of thousands of others made for the same end."

Ah, that other shore! The commander-in-chief is

with his army now. More are they that are with him in victory and peace than they whose names are still upon our muster-rolls. The largest body of the soldiers of the republic pitch their white tents, and unfold their golden banners, and sing their songs of triumph around him. Not his the hosts of worn and wearied bodies; not with him the riddled colors and war-stained uniforms; upon his ears breaks nevermore the dissonance of booming cannon, and clashing saber, and dying groan; but youth and life troop around him with a love purer than ours, and a joy which more than balances our grief.

Our President is dead. He has served us faithfully and well. He has kept the faith; he has finished his course. Henceforth there is laid up for him a crown of glory, which the Lord, the righteous Judge, shall give him in that day. And he who gave him to us, and who so abundantly blessed his labors, and helped him to accomplish so much for his country and his race, will not permit the country which he saved to perish. I believe in the over-ruling providence of God, and that, in permitting the life of our chief magistrate to be extinguished, he only closed one volume of the history of his dealings with this nation, to open another whose pages shall be illustrated with fresh developments of his love and sweeter signs of his mercy. What Mr. Lincoln achieved he achieved for us; but he left as choice a legacy in his Christian example, in his incorruptible integrity, and in his unaffected simplicity, if we will appropriate it, as in his public deeds. So we take this excellent life and

its results, and, thanking God for them, cease all complaining and press forward under new leaders to new achievements, and the completion of the great work which he who has gone left as a sacred trust upon our hands.

Ames, Fisher, a famous American orator and statesman, born at Dedham, Mass., April 9, 1758 ; died there, July 4, 1808. Admitted to the bar in 1781, he entered Congress in 1789, and there gained a national reputation for oratory. His two finest efforts were a speech in support of Jay's Treaty with Great Britain, and a eulogy upon Washington, delivered before the Legislature of Massachusetts. In 1804, he was elected president of Harvard College, but declined the honor. A brilliant talker, he was distinguished for wit and imagination in his conversation, while in character he was spotless. His works, consisting of orations, essays and letters, appeared in two volumes in 1854.

ON THE BRITISH TREATY.

HOUSE OF REPRESENTATIVES, APRIL 28, 1796.

It would be strange that a subject, which has aroused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions; as citizens and Representatives, we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions,

has become solid and enlightened at last. Our result will, I hope, on that account, be safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise? It is right already, because He, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is more surely promoted. . . .

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them. But I lay down two rules, which ought to guide us in

this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public.

I confess there seems to be something very like ridicule thrown over the debate by the discussion of the articles in detail. The undecided point is, shall we break our faith? And while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail anything in so grave a question as the violation of the public engagements? . . .

Why do they complain that the West Indies are not laid open? Why do they lament that any restriction is stipulated on the commerce of the East Indies? Why do they pretend that if they reject this, and insist upon more, more will be accomplished? Let us be explicit—more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy that he was not ardent enough in his

hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or despot; there will be no naval security while those sea-robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men and wealth and laws and liberty, there was no more than a sand bank for sea monsters to fatten on; a space for the storms of the ocean to mingle in conflict. . . .

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only

as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a State renounces the principles that constitute their security? Or if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land. I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely binding force but sanctity to treaties. Even in Algiers a truce may be bought for money, but when ratified even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loth, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their State. They would perceive it was their interest to make others re-

spect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what despots dare not avow, what our own example evinces, the States of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done everything to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his own country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt. . . .

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the Western lands will fall. Settlers

will not choose to fix their habitations on a field of battle. Those who talk so much of the interest of the United States, should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What, then, are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance and it deserves to wear the title of a resolution to prevent the sale of the Western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends and at the same time the friends of our enemies.

But am I reduced to the necessity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proof than the recital of their own speeches. It is re-

membered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the Western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask, whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether, supposing no posts and no treaty, the settlers will remain in security? Can they take it upon them to say, that an Indian peace, under these circumstances, will prove firm? No, sir, it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the daytime your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfield; you are a

mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror, which cannot be overdrawn. If you have nature in your hearts, it will speak a language compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer, that all this is idle preaching? Will any one deny, that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Have the principles on which you ground the reproach upon cabinets and kings no practical influence, no binding force? Are they merely themes of idle declamation introduced to decorate the morality of a newspaper essay, or to furnish petty topics of harangue from the windows of that State House? I trust it is neither too presumptuous, nor too late to ask. Can you put the dearest interest of society at risk without guilt and without remorse?

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to

ensue from their measures. This is very true where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measures that we know will produce them.

By rejecting the posts we light the savage fires—we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case—there can be none. Experience has already been the prophet of events, and the cries of future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims that while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance, and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

It is not part of prudence to be inattentive to the tendencies of measures. Where there is any ground to

fear that these will prove pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirits of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But, as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can. . . .

Is there anything in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter-of-fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary one of the people? And is this, in the judgment even of my opposers, to execute, to preserve the Constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal—as

if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and the happy consequences of all this array of horrors. They can see intestine discords, our government diorganized, our wrongs aggravated, multiplied, and unredressed, peace with discords, our government disorganized, our wrongs in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the House. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done; they have doubtless resolved what to propose. Why then are they silent? Dare they not avow their plan of conduct, or do they wait till our progress toward confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance—without some respect for the measures which, many will say, produced, and all will confess, have preserved, it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calam-

ity? The great interest and the general desire of our people was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining everything, because it confirmed our neutrality, by which our citizens are gaining everything. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentrated in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale—it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry—as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calcu-

lation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me almost equally for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent, was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet, when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led, by my feelings, to speak more at length than I intended. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote shall pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country.

Monroe, James, an eminent American statesman, fifth President of the United States, born in Westmoreland Co., Va., April 28, 1758 ; died in New York, July 4, 1831. He served in the patriot army during the American Revolution and rose to the rank of major. To this succeeded a brilliant civil career beginning with his election to the Virginia Assembly in his early twenties, and closing with the expiration of his second term as President in 1825. Prior to his election to the Presidency he was twice governor of his native State, and twice envoy to France, beside filling cabinet positions. His state papers and other writings are dignified and scholarly in character.

FEDERAL EXPERIMENTS IN HISTORY.

VIRGINIA CONSTITUTIONAL CONVENTION, JUNE 10, 1788.

Mr, Chairman:

I CANNOT avoid expressing the great anxiety which I feel upon the present occasion—an anxiety that proceeds not only from a high sense of the importance of the subject, but from a profound respect for this august and venerable assembly. When we contemplate the fate that has befallen other nations, whether we cast our eyes back into the remotest ages of antiquity, or derive instruction from those examples which modern times have presented to our view, and observe how prone all human institutions have been to decay; how subject the best formed and most wisely organized governments have been to lose their checks and totally dissolve; how difficult it has been for mankind, in all ages and countries, to preserve their dearest rights and

best privileges, impelled, as it were, by an irresistible fate of despotism—if we look forward to those prospects that sooner or later await our country, unless we shall be exempted from the fate of other nations, even upon a mind the most sanguine and benevolent, some gloomy apprehensions must necessarily crowd. This consideration is sufficient to teach us the limited capacity of the human mind—how subject the wisest men have been to error. For my own part, sir, I come forward here, not as the partisan of this or that side of the question, but to commend where the subject appears to me to deserve commendation; to suggest my doubts where I have any; and to hear with candor the explanation of others; and, in the ultimate result, to act as shall appear for the best advantage of our common country.

The American States exhibit at present a new and interesting spectacle to the eyes of mankind. Modern Europe, for more than twelve centuries past, has presented to view one of a very different kind. In all the nations of that quarter of the globe, there has been a constant effort, on the part of the people, to extricate themselves from the oppression of their rulers; but with us the object is of a very different nature: to establish the dominion of law over licentiousness; to increase the powers of the national government to such extent, and organize it in such manner, as to enable it to discharge its duties and manage the affairs of the States to the best advantage. There are two circumstances remarkable in our colonial settlement: first, the exclusive monopoly of our trade; second, that it was settled by the Commons of England only. The revo-

lution, in having emancipated us from the shackles of Great Britain, has put the entire government in the hands of one order of people only—freemen; not of nobles and freemen. This is a peculiar trait in the character of this revolution. That this sacred deposit may be always retained there, is my most earnest wish and fervent prayer. That union is the first object for the security of our political happiness, in the hands of gracious Providence, is well understood and universally admitted through all the United States. From New Hampshire to Georgia (Rhode Island excepted), the people have uniformly manifested a strong attachment to the Union. This attachment has resulted from a persuasion of its utility and necessity. In short, this is a point so well known that it is needless to trespass on your patience any longer about it. A recurrence has been had to history. Ancient and modern leagues have been mentioned, to make impressions. Will they admit of any analogy with our situation? The same principles will produce the same effects. Permit me take a review of those leagues which the honorable gentleman has mentioned; which are, first, the Amphictyonic Council; second, the Achæan League; third, the Germanic system; fourth, the Swiss cantons; fifth, the United Netherlands; and sixth, the New England confederacy. Before I develop the principles of these leagues, permit me to speak of what must influence the happiness and duration of leagues. These principles depend on the following circumstances: first, the happy construction of the government of the members of the union; second, the security from foreign danger. For instance, monarchies united would separate soon;

aristocracies would preserve their union longer; but democracies, unless separated by some extraordinary circumstance, would last forever. The causes of half the wars that have thinned the ranks of mankind, and depopulated nations, are caprice, folly, and ambition; these belong to the higher orders of governments, where the passions of one, or of a few individuals, direct the fate of the rest of the community. But it is otherwise with democracies, where there is an equality among the citizens, and a foreign and powerful enemy, especially a monarch, may crush weaker neighbors. Let us see how far these positions are supported by the history of these leagues, and how far they apply to us. The Amphictyonic Council consisted of three members Sparta, Thebes, and Athens. What was the construction of these States? Sparta was a monarchy more analogous to the Constitution of England than any I have heard of in modern times. Thebes was a democracy, but on different principles from modern democracies. Representation was not known then. This is the acquirement of modern times. Athens, like Thebes, was generally democratic, but sometimes changed. In these two States the people transacted their business in person; consequently, they could not be of any great extent. There was a perpetual variance between the members of this confederacy, and its ultimate dissolution was attributed to this defect. The weakest were obliged to call for foreign aid, and this precipitated the ruin of this confederacy. The Achæan League had more analogy to ours, and gives me great hopes that the apprehensions of gentlemen with respect to our confederacy are groundless. They were all

democratic, and firmly united. What was the effect? The most perfect harmony and friendship subsisted among them, and they were very active in guarding their liberties. The history of that confederacy does not present us with those confusions and internal convulsions which gentlemen ascribe to all governments of a confederate kind. The most respectable historians prove this confederacy to have been exempt from these defects. . . . This league was founded on democratical principles, and, from the wisdom of its structure, continued a far greater length of time than any other. Its members, like our States, by their confederation, retained their individual sovereignty and enjoyed perfect equality. What destroyed it? Not internal dissensions. They were surrounded by great and powerful nations—the Lacedæmonians, Macedonians, and Aetolians. The Aetolians and Lacedæmonians making war on them, they solicited the assistance of Macedon, who no sooner granted it than she became their possessor. To free themselves from the tyranny of the Macedonians, they prayed succor from the Romans, who, after relieving them from their oppressors, soon totally enslaved them.

The Germanic body is a league of independent principalities. It has no analogy to our system. It is very injudiciously organized. Its members are kept together by the fear of danger from one another, and from foreign powers, and by the influence of the emperor.

The Swiss cantons have been instanced, also, as a proof of the natural imbecility of federal governments. Their league has sustained a variety of changes; and,

notwithstanding the many causes that tend to disunite them, they still stand firm. We have not the same causes of disunion or internal variance that they have. The individual cantons composing the league are chiefly aristocratic. What an opportunity does this offer to foreign powers to disturb them by bribing and corrupting their aristocrats! It is well known that their services have been frequently purchased by foreign nations. Their difference of religion has been a source of divisions and animosity among them, and tended to disunite them. This tendency has been considerably increased by the interference of foreign nations, the contiguity of their position to those nations rendering such interference easy. They have been kept together by the fear of those nations, and the nature of their association, the leading features of which are a principle of equality between the cantons, and the retention of individual sovereignty. The same reasoning applies nearly to the United Netherlands. The other confederacy which has been mentioned has no kind of analogy to our situation.

From a review of these leagues, we find the causes of the misfortunes of those which have been dissolved to have been a dissimilarity of structure in the individual members, the facility of foreign interference, and recurrence to foreign aid. After this review of those leagues, if we consider our comparative situation, we shall find that nothing can be adduced from any of them to warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former to secure our happiness. The causes which, with other nations, rendered leagues ineffectual and inade-

quate to the security and happiness of the people, do not exist here. What is the form of our State governments? They are all similar in their structure—perfectly democratic. The freedom of mankind has found an asylum here which it could find nowhere else. Freedom of conscience is enjoyed here in the fullest degree. Our States are not disturbed by a contrariety of religious opinions and other causes of quarrels which other nations have. They have no causes of internal variance. Causes of war between the States have been represented in all those terrors which splendid genius and brilliant imagination can so well depict. But, sir, I conceive they are imaginary—mere creatures of fancy.

Gallatin, Albert, an eminent American statesman, orator and financier, born in Geneva, Switzerland, Jan. 29, 1761 ; died at Astoria, N. Y., Aug. 12, 1849. He came to America in 1780 and at once took an active interest in the affairs of his adopted country. He sat in Congress 1795-1801, and was secretary of the Treasury under Jefferson, and a leader in what was then termed the Democratic party. He was an ardent advocate of internal improvements and one of the originators of the Coast Survey. With Adams and Clay he negotiated the Treaty with Great Britain in 1815 ; he was minister to France, 1815-23, and minister to Great Britain, 1826-27. The latter part of his life was passed as a banker in New York City. His speech on the British Treaty reveals his qualifications as an orator.

ON THE BRITISH TREATY.

Mr. Chairman,—I will not follow some of the gentlemen who have preceded me by dwelling upon the discretion of the legislature; a question which has already been the subject of our deliberations, and been decided by a solemn vote. Gentlemen who were in the minority on that question may give any construction they please to the declaratory resolution of the House; they may again repeat that to refuse to carry the treaty into effect is a breach of the public faith which they conceive as being pledged by the President and Senate.

This has been the ground on which a difference of opinion has existed since the beginning of the discussion. It is because the House thinks that the faith of the nation cannot, on those subjects submitted to the power of Congress, be pledged by any constitu-

ted authority other than the legislature, that they resolved that in all such cases it is their right and duty to consider the expediency of carrying a treaty into effect. If the House think the faith of the nation already pledged they cannot claim any discretion; there is no room left to deliberate upon the expediency of the thing. The resolution now under consideration is merely "that it is expedient to carry the British treaty into effect," and not whether we are bound by national faith to do it. I will therefore consider the question of expediency alone; and, thinking as I do that the House has full discretion on this subject, I conceive that there is as much responsibility in deciding in the affirmative as in rejecting the resolution, and that we shall be equally answerable for the consequences that may follow from either.

It is, however, true that there was a great difference between the situation of this country in the year 1794, when a negotiator was appointed, and that in which we are at present; and that consequences will follow the refusal to carry into effect the treaty in its present stage which would not have attended a refusal to negotiate and enter into such a treaty. The question of expediency therefore assumes before us a different and more complex shape than when before the negotiator, the Senate, or the President. The treaty in itself and abstractly considered may be injurious; it may be such an instrument as in the opinion of the House ought not to have been adopted by the Executive; and yet such as it is we may think it expedient under the present circumstances to carry it into effect. I will therefore first take a view of the provisions of

the treaty itself, and in the next place, supposing it is injurious, consider, in case it is not carried into effect, what will be the natural consequences of such refusal.

The provisions of the treaty relate either to the adjustment of past differences or to the future intercourse of the two nations. The differences now existing between Great Britain and this country arose either from non-execution of some articles of the treaty of peace or from the effects of the present European war. The complaints of Great Britain in relation to the treaty of 1783 were confined to the legal impediments thrown by the several States in the way of the recovery of British debts. The late treaty provides adequate remedy on that subject; the United States are bound to make full and complete compensation for any losses arising from that source, and every ground of complaint on the part of Great Britain is removed.

Having thus done full justice to the other nation, America has a right to expect that equal attention shall be paid to her claims arising from infractions of the treaty of peace, namely, compensation for the negroes carried away by the British; restoration of the western posts, and indemnification for their detention.

On the subject of the first claim which has been objected to as groundless, I will observe that am not satisfied that the construction given by the British government to that article of the treaty is justified even by the letter of the article. That construction rests on the supposition that slaves come under the general denomination of booty, and are alienated the moment they fall into the possession of an ene-

my, so that all those who were in the hands of the British when the treaty of peace was signed must be considered as British and not as American property, and are not included in the article.

It will, however, appear, by recurring to Vattel when speaking of the right of "Postliminium," that slaves cannot be considered as a part of the booty which is alienated by the act of capture, and that they are to be ranked rather with real property, to the profits of which only the captors are entitled. Be that as it may, there is no doubt that the construction given by America is that which was understood by the parties at the time of making the treaty. The journals of Mr. Adams, quoted by a gentleman from Connecticut, Mr. Coit, prove this fully; for when he says that the insertion of this article was alone worth the journey of Mr. Laurens from London, can it be supposed that he would have laid so much stress on a clause which, according to the new construction now attempted to be given, means only that the British would commit no new act of hostility—would not carry away slaves at that time in possession of Americans? Congress recognized that construction by adopting the resolution which has been already quoted, and which was introduced upon the motion of Mr. Alexander Hamilton, and it has not been denied that the British ministry during Mr. Adams' embassy also agreed to it.

But when our negotiator had, for the sake of peace, waved that claim; when he had also abandoned the right which America had to demand an indemnification for the detention of the posts, although he had conceded the right of a similar nature which Great

Britain had for the detention of debts; when he had thus given up everything which might be supposed to be of a doubtful nature, it might have been hoped that our last claim—a claim on which there was not and there never had been any dispute—the western posts should have been restored according to the terms of the treaty of peace

Upon what ground the British insisted and our negotiator conceded that this late restitution should be saddled with new conditions which made no part of the original contract I am at a loss to know. British traders are allowed by the new treaty to remain within the posts without becoming citizens of the United States; and to carry on trade and commerce with the Indians living within our boundaries without being subject to any control from our government. In vain is it said that if that clause had not been inserted we would have found it to our interest to effect it by our own laws. Of this we are alone competent judges; if that condition is harmless at present it is not possible to foresee whether under future circumstances it will not prove highly injurious; and whether harmless or not it is not less a permanent and new condition imposed upon us. But the fact is that by the introduction of that clause, by obliging us to keep within our jurisdiction as British subjects the very men who have been the instruments used by Great Britain to promote Indian wars on our frontiers; by obliging us to suffer those men to continue their commerce with the Indians living in our territory, uncontrolled by those regulations which we have thought necessary in order to restrain

our own citizens in their intercourse with these tribes, Great Britain has preserved her full influence with the Indian nations. By a restoration of the posts under that condition we have lost the greatest advantage that was expected from their possession, namely, future security against the Indians. In the same manner have the British preserved the commercial advantages which result from the occupancy of those posts by stipulating as a permanent condition a free passage for their goods across our portages without paying any duty.

Another article of the new treaty which is connected with the provisions of the treaty of 1783 deserves consideration; I mean what relates to the Mississippi. At the time when the navigation of that river to its mouth was by the treaty of peace declared to be common to both nations, Great Britain communicated to America a right which she held by virtue of the treaty of 1763 and as owner of the Floridas; but since that cession to the United States, England has ceded to Spain her claim on the Floridas and does not own at the present time an inch of ground either on the mouth or on any part of that river. Spain now stands in the place of Great Britain, and by virtue of the treaty of 1783 it is to Spain and America and not to England and America, that the navigation of the Mississippi is at present to be common.

Yet notwithstanding this change of circumstances, we have repeated this article of the former treaty in the late one, and have granted to Great Britain the additional privilege of using our ports on the eastern side of the river, without which, as they own no land

thereon, they could not have navigated it. Nor is this all. Upon a supposition that the Mississippi does not extend so far northward as to be intersected by a line drawn due west from the Lake of the Woods, or, in other words, upon a supposition that Great Britain has not a claim even to touch the Mississippi, we have agreed, not upon what will be the boundary line, but that we will hereafter negotiate to settle that line.

Thus leaving to future negotiations what should have been finally settled by the treaty itself, in the same manner as all other differences were, is calculated for the sole purpose either of laying the foundation of future disputes or of recognizing a claim in Great Britain on the waters of the Mississippi, even if their boundary line leaves to the southward the sources of that river.

Had not that been the intention of Great Britain, the line would have been settled at once by the treaty according to either of the two rational ways of doing it in conformity to the treaty of 1783; that is to say, by agreeing that the line should run from the northernmost sources of the Mississippi either directly to the western extremity of the Lake of the Woods, or northwardly till it intersected the line to be drawn due west from that lake. But by repeating the article of the treaty of 1783, by conceding the free use of our ports on the river, and by the insertion of the fourth article, we have admitted that Great Britain in all possible events has still a right to navigate that river from its source to its mouth. What may be the future effects of these provisions, especially as they regard

our intercourse with Spain, it is impossible at present to say; but although they can bring us no advantage they may embroil us with that nation; and we have already felt the effect of it in our late treaty with Spain, since we were obliged on account of that clause of the British treaty, to accept as a gift and a favor the navigation of that river which we had till then claimed as a right.

The seventh article of the treaty is intended to adjust those differences which arose from the effects of the present European war. On that article it may also be observed that whilst it provides a full compensation for the claims of the British, it is worded in such a manner, when speaking of the indemnification for spoliation committed on the American commerce, as will render it liable to a construction very unfavorable to our just claims on that ground. The commissioners to be appointed by virtue of that article are to take cognizance and to grant redress only in those cases where, by reason of irregular or illegal captures or condemnation, made under color of authority or commissions from the King of Great Britain, losses have been incurred, and where adequate compensation cannot now be actually obtained by the ordinary course of judicial proceedings.

If Great Britain should insist that since the signing of the treaty they had, by admitting appeals to their superior courts, afforded a redress by the ordinary course of judicial proceedings; if those courts were to declare that the captures complained of were neither illegal nor made under color, but by virtue of authority or commissions from the king; and if

that construction should prevail with the commissioners, the indemnification which our plundered merchants would actually receive in consequence of the provisions of this article would fall very short of their expectations and of their just claims. Yet this article, considering the relative situation of the two countries at the time when the negotiations took place, is as much as could reasonably have been expected by America. When a weak nation has to contend with a powerful one it is gaining a great deal if the national honor is saved even by the shadow of an indemnification and by an apparent concession on the part of the aggressor; and however objectionable the article might appear at first view, I am, on the whole, satisfied with it.

The remaining provisions of the treaty have no connection with past differences; they make no part of the convention which was the avowed object of Mr. Jay's mission; they apply solely to the future intercourse of the two nations as relating to commerce and navigation; and had they been entirely omitted our differences would have been nevertheless adjusted. It is agreed on all hands that, so far as relates to our commerce with Great Britain, we want no treaty. The intercourse, although useful perhaps to both parties, is more immediately necessary to England, and her own interest is a sufficient pledge of her granting us at all times a perfect liberty of commerce to her European ports. If we want to treat with her it must be in order to obtain some intercourse with her colonies and some general security in our navigation.

Whatever evils may follow a rejection of the treaty,

they will not attend a postponement. To suspend our proceedings will not throw us into a situation which will require new negotiations, new arrangements on the points already settled and well understood by both parties. It will be merely a delay until an explanation of the late conduct of the British toward us may be obtained or until that conduct may be altered. If, on the contrary, we consent to carry the treaty into effect under the present circumstances, what will be our situation in future? It is by committing the most wanton and the most unprovoked aggressions on our trade; it is by seizing a large amount of our property as a pledge for our good behavior, that Great Britain has forced the nation into the present treaty.

If by threatening new hostilities, or rather by continuing her aggressions, even after the treaty is made, she can force us also to carry it into effect, our acquiescence will be tantamount to a declaration that we mean to submit in proportion to the insults that are offered to us, and this disposition being once known, what security have we against new insults, new aggressions, new spoliations which probably will lay the foundation of some additional demands on the part of the aggressor, and of some additional sacrifice on ours? It has been said, and said with truth, that to put up with the indignities we have received without obtaining any reparation, which will probably be the effect of defeating the treaty, is highly dishonorable to the nation. In my opinion it is still more so not only tamely to submit to a continuation of these national insults, but, while they thus continue uninterrupted, to carry into effect the instrument we have

consented to accept as a reparation for former ones. When the general conduct of Great Britain towards us from the beginning of the present war is considered, when the means by which she has produced the treaty are reflected on, a final compliance on our part while she still persists in that conduct, whilst the chastening rod of that nation is still held over us, is in my opinion a dereliction of national interest, of national honor, of national independence.

But it is said that war must be the consequence of our delaying to carry the treaty into effect. Do the gentlemen mean that if we reject the treaty, if we do not accept the reparation there given to us, in order to obtain redress, we have no alternative left but war? If we must go to war in order to obtain reparation for insults and spoliations on our trade, we must do it even if we carry the present treaty into effect, for this treaty gives us no reparation for the aggressions committed since it was ratified, has not produced a discontinuance of those acts of hostility, and gives us no security that they shall be discontinued.

But the arguments of those gentlemen who suppose that America must go to war apply to a final rejection of the treaty and not to a delay. I do not propose to refuse the reparation offered by the treaty and to put up with the aggressions committed; I have agreed that that reparation, such as it is, is a valuable article of the treaty; have agreed that under the present circumstances a greater evil will follow a total rejection of than an acquiescence in the treaty. The only measure which has been mentioned in preference of the one now under discussion is a suspension, a post-

ponement whilst the present spoliations continue, in hopes to obtain for them a similar reparation and assurances that they shall cease.

But it is meant to insinuate that it is the final intention of those who pretend to wish only for a postponement to involve this country in a war? There has been no period during the present European war at which it would not have been equally weak and wicked to adopt such measures as must involve America in the contest unless forced into it for the sake of self-defence; but, at this time, to think of it would fall but little short of madness. The whole American nation would rise in opposition to the idea, and it might at least have been recollected that war cannot be declared except by Congress, and that two of the branches of government are sufficient to check the other in any supposed attempt of this kind.

If there is no necessity imposed upon America to go to war, if there is no apprehension she will by her own conduct involve herself in one, the danger must arise from Great Britain, and the threat is that she will make war against us if we do not comply. Gentlemen first tell us that we have made the best possible bargain with that nation; that she has conceded everything without receiving a single iota in return; and yet they would persuade us that she will make war against us in order to force us to accept that contract so advantageous to us and so injurious to herself. It will not be contended that a delay until an amicable explanation is obtained could afford even a pretence to Great Britain for going to war, and we all know that her own interests would prevent her. If another

campaign takes place it is acknowledged that all her efforts are to be exerted against the West Indies. She has proclaimed her own scarcity of provisions at home, and she must depend on our supplies to support her armament.

It depends upon us to defeat her whole scheme, and this is a sufficient pledge against open hostilities if the European war continues. If peace takes place there will not be even the appearance of danger; the moment when a nation is happy enough to emerge from one of the most expensive, bloody, and dangerous wars in which she ever has been involved will be the last she would choose to plunge afresh into a similar calamity.

But to the cry of war the alarmists do not fail to add that of confusion, and they have declared, even on this floor, that if the resolution is not adopted government will be dissolved. Government dissolved in case a postponement takes place! The idea is too absurd to deserve a direct answer. But I will ask those gentlemen, by whom government is to be dissolved? Certainly not by those who may vote against the resolution, for although they are not perhaps fortunate enough to have obtained the confidence of the gentlemen who voted against them, still it must be agreed that those who succeed in their wishes, who defeat a measure they dislike, will not wish to destroy that government which they hold so far in their hands as to be able to carry their own measures. For them to dissolve government would be to dissolve their own power. By whom then, I again ask, is the government to be dissolved?

The gentlemen must answer—by themselves—or they must declare that they mean nothing but to alarm. Is it really the language of those men who profess to be, who distinguish themselves by the self-assumed appellation of, friends to order, that if they do not succeed in all their measures they will overset government—and have all their professions been only a veil to hide their love of power, a pretence to cover their ambition?

Do they mean that the first event which shall put an end to their own authority shall be the last act of government? As to myself, I do not believe that they have such intentions; I have too good an opinion of their patriotism to allow myself to admit such an idea a single moment, but I think myself justifiable in entertaining a belief that some amongst them in order to carry a favorite, and what they think to be an advantageous measure, mean to spread an alarm which they do feel, and I have no doubt that many have contracted such a habit of carrying every measure of government as they please, that they really think that everything must be thrown into confusion the moment they are thwarted in a matter of importance. I hope that experience will in future cure their fears.

But at all events, be the wishes and intentions of the members of this House what they may, it is not in their power to dissolve the government. The people of the United States, from one end of the continent to the other, are strongly attached to their constitution; they would restrain and punish the excesses of any party, of any set of men in government who would be guilty of the attempt, and on them I will rest as a

full security against every endeavor to destroy our union, our constitution, or our government.

But although I am not afraid of a dissolution, I feel how highly desirable is a more general union of sentiment; I feel the importance of an agreement of opinion between the different branches of government, and even between the members of the same branch. I would sacrifice much to obtain that object; it has been one of the most urging motives with me to be in favor, not of a rejection, but only of a suspension of a delay. But even as a matter of opinion it is difficult to say which mode of proceeding in this House will best accord with the general sentiments of the people.

So far as relates to the petition before us, the number of signatures against the treaty exceeds, at the moment I am speaking, the number of those in favor of the treaty. Amongst the last, some have come from one part of the Union, where it seems, both from the expressions in the petition itself and from the proceedings there, that a great inducement in the petitioners to sign was a wish to carry the treaty with Spain into effect, as they appear to suppose that its fate depends upon that of the British treaty. How they would act upon the British treaty alone and unconnected with the other I do not know, nor have I any evidence which enables me to form an opinion thereon. All I know is that until the Spanish treaty was made they were perfectly silent on the subject of the other treaty and never expressed an opinion upon it alone.

True it is that an alarm which has produced a combination has lately taken place amongst the merchants

of this and some other seaports. What effect it will have, and how successfully they will eventually be in spreading this alarm amongst the people at large, I cannot tell, but there are circumstances accompanying their petition which, in my opinion, much diminish the weight they otherwise might have had. They have undoubtedly a right to petition upon every public measure where they think themselves interested, and their petitions deserve equal regard with those of their fellow citizens throughout the United States.

But on this occasion, in order to create an alarm, in order to induce the people to join them, in order to force the House to pass the laws relative to the treaty, they have formed a dangerous combination, and affected to cease insuring vessels, purchasing produce, and transacting any business.

A gentleman from New York, Mr. Williams, has been so much alarmed himself that he has predicted a fall in the price of every kind of produce, and seems indeed to have supposed that the clamors of a few individuals here would either put an end to or satisfy the wants of those nations which depend on us for supplies of provisions. Yet it has so happened, and it is a complete proof that the whole is only an alarm, that whilst we have been debating, the price of flour, which was of very dull sale two weeks ago, has risen in equal proportion with the supposed fears of the purchasers. I cannot help considering the cry of war, the threats of a dissolution of government and the present alarm, as designed for the same purpose, that of making an impression on the fears of this House. It

was through the fear of being involved in a war that the negotiations with Great Britain originated; under the impression of fear the treaty has been negotiated and signed; a fear of the same danger, that of war, has promoted its ratification, and now every imaginary mischief which can alarm our fears is conjured up in order to deprive us of that discretion which this House thinks they have a right to exercise, and in order to force us to carry the treaty into effect.

If the people of the United States wish this House to carry the treaty into effect immediately, and notwithstanding the continued aggressions of the British, if their will was fairly and fully expressed, I would immediately acquiesce; but since an appeal has been made to them it is reasonable to suspend a decision until their sentiments are known.

Till then I must follow my own judgment, and as I cannot see that any possible evils will follow a delay, I shall vote against the resolution before the committee in order to make room either for that proposed by my colleague, Mr. Maclay, or for any other, expressed in any manner whatever, provided it embraces the object I have in view, to wit, the suspension of the final vote—a postponement of the laws necessary to carry the treaty into effect until satisfactory assurances are obtained that Great Britain means in future to show us that friendly disposition which it is my earnest wish may at all times be cultivated by America towards all other nations.

Dexter, Samuel, an American jurist and orator, born in Boston, Mass., May 14, 1761; died at Athens, N. Y., May 4, 1816. In the earlier part of his career he was a Federalist in his political views and as such he entered the United States Senate from Massachusetts in 1798. He was for a brief period secretary of war in 1800, but soon resumed his profession of law and annually conducted cases of importance before the Supreme Court at Washington. After 1812 he left the Federalist party and upheld the war policy of the administration. He was noted for his able, eloquent reasoning in his legal speeches, of which the one delivered at the trial of Thomas Selfridge is one of the more important.

ARGUMENT IN SELFRIDGE'S TRIAL.

[Delivered in the Supreme Judicial Court of Massachusetts, at the trial of Thomas O. Selfridge, attorney-at-law, for killing Charles Austin, on the public Exchange, in Boston, on the 4th of August, 1806,]

MAY IT PLEASE YOUR HONOR, AND YOU, GENTLEMEN OF THE JURY,—It is my duty to submit to your consideration some observations in the close of the defence of this important and interesting cause. In doing it, though I feel perfectly satisfied that you are men of pure minds, yet I reflect with anxiety that no exertion or zeal on the part of the defendant's counsel can possibly insure justice unless you likewise perform your duty. Do not suppose that I mean to suggest the least suspicion with respect to your principles or motives. I know you to have been selected in a manner most likely to obtain impartial justice; and doubtless you have honestly resolved and endeav-

ored to lay aside all opinions which you may have entertained previous to this trial. But the difficulty of doing this is perhaps not fully estimated; a man deceives himself oftener than he misleads others; and he does injustice from his errors when his principles are all on the side of rectitude. To exhort him to overcome his prejudices is like telling a blind man to see. He may be disposed to overcome them and yet be unable, because they are unknown to himself. When prejudice is once known it is no longer prejudice, it becomes corruption; but so long as it is not known the possessor cherishes it without guilt: he feels indignation for vice and pays homage to virtue; and yet does injustice. It is the apprehension that you may thus mistake, that you may call your prejudices principles, and believe them such, and that their effects may appear to you the fruits of virtue, which leads us so anxiously to repeat the request that you would examine your hearts and ascertain that you do not come here with partial minds. In ordinary cases there is no reason for this precaution. Jurors are so appointed by the institutions of our country as to place them out of the reach of improper influence on common occasions,—at least as much so as frail humanity will permit.

But when a cause has been a long time the subject of party discussions; when every man among us belongs to one party or the other or at least is so considered; when the Democratic presses throughout the country have teemed with publications fraught with appeals to the passions and bitter invective against the defendant, when on one side everything has been done

that party rage could do to prejudice this cause, and on the other little has been said in vindication of the supposed offender (though on one occasion I admit that too much has been said); when silence has been opposed to clamor, and patient waiting for a trial to systematic labor to prevent justice; when the friends of the accused, restrained by respect for the laws, have kept silence because it was the exclusive right of a court of justice to speak; when no voice has been heard from the walls of the defendant's prison but a request that he may not be condemned without a trial,—the necessary consequence must be that opinion will progress one way; that the stream of incessant exertions will wear a channel in the public mind, and the current may be strong enough to carry away those who may be jurors, though they know not how or when they received the impulse that hurries them forward.

I am fortunate enough not to know with respect to most of you to what political party you belong. Are you Republican Federalists? I ask you to forget it: leave all your political opinions behind you; for it would be more mischievous that you should acquit the defendant from the influence of these than that an innocent man, by mistake, should be convicted. In the latter case his would be the misfortune and to him it would be confined; but in the other you violate a principle, and the consequence may be ruin. Consider what would be the effect of an impression on the public mind that in consequence of party opinion and feelings the defendant was acquitted. Would there still be recourse to the laws and to the justice

of the country? Would the passion of the citizen in a moment of frenzy be calmed by looking forward to the decisions of courts of law for justice? Rather every individual would become the avenger of imaginary transgression. Violence would be repaid with violence; havoc would produce havoc; and instead of a peaceable recurrence to the tribunals of justice the spectre of civil discord would be seen stalking through our streets scattering desolation, misery, and crimes.

Such may be the consequence of indulging political prejudice on this day; and if so, you are amenable to your country and your God. This I say to you who are Federalists; and have I not as much right to speak thus to those who are Democratic Republicans? That liberty which you cherish with so much ardor depends on your preserving yourselves impartial in a court of justice. It is proved by the history of man, at least of civil society, that the moment the judicial power becomes corrupt liberty expires. What is liberty but the enjoyment of your rights free from outrage or danger? And what security have you for these but an impartial administration of justice? Life, liberty, reputation, property, and domestic happiness are all under its peculiar protection. It is the judicial power uncorrupted that brings to the dwelling of every citizen all the blessings of civil society and makes it dear to man. Little has the private citizen to do with the other branches of government. What to him are the great and splendid events that aggrandize a few eminent men and make a figure in history? His domestic happiness is not less real

because it will not be recorded for posterity; but this happiness is his no longer than courts of justice protect it.

It is true injuries cannot always be prevented; but while the fountains of justice are pure the sufferer is sure of a recompense.

Contemplate the immediate horrors and final despotism that must result from mutual deeds of vengeance when there is no longer an impartial judiciary to which contending parties may appeal with full confidence that principles will be respected. Fearful must be the interval of anarchy; fierce the alternate pangs of rage and terror, till one party shall destroy the other and a gloomy despotism terminate the struggles of conflicting factions. Again I beseech you to abjure your prejudices. In the language once addressed from heaven to the Hebrew prophet, "Put off your shoes, for the ground on which you stand is holy." You are the professed friends, the devoted worshippers of civil liberty; will you violate her sanctuary? Will you profane her temple of justice? Will you commit sacrilege while you kneel at her altar?

I will now proceed to state the nature of the charge on which you are to decide, and of the defence which we oppose to it; then examine the evidence to ascertain the facts, and then inquire what is the law applicable to those facts.

The charge is for manslaughter; but it has been stated in the opening that it may be necessary to know something of each species of homicide in order

to obtain a correct idea of that which you are now to consider.

Homicide, as a general term, includes in law every mode of killing a human being. The highest and most atrocious is murder, the discriminating feature of which is previous malice. With that the defendant is not charged; the grand jury did not think that by the evidence submitted to them they were authorized to accuse him of that enormous crime. They have therefore charged him with manslaughter only.

The very definition of this crime excludes previous malice; therefore it is settled that there cannot, with respect to this offence, be an accessory before the fact, because the intention of committing it is first conceived at the moment of the offence and executed in the heat of a sudden passion, or it happens without any such intent in doing some unlawful act. It will not be contended that the defendant is guilty of either of these descriptions of manslaughter. Neither party suggests that the defendant was under any peculiar impulse of passion at the moment and had not time to reflect; on the contrary, he is said to have been too cool and deliberate. The case in which it is important to inquire whether the act was done in the heat of blood is where the indictment is for murder, and the intent of the defence is to reduce the crime from murder to manslaughter; but Selfridge is not charged with murder. There is nothing in the evidence that has the least tendency to prove an accidental killing while doing some unlawful act. It is difficult to say from this view of manslaughter, when compared with the evidence, on what legal ground the defendant can

be convicted, unless it be that he is to be considered as proved guilty of a crime which might have been charged as murder, and by law, if he now stood before you under an indictment for murder, you might find him guilty of manslaughter, and therefore you may now convict him.

This does not appear to be true, for the evidence would not apply to reduce the offence from murder to manslaughter on either of the aforementioned grounds. Perhaps it may be said that every greater includes the less, and therefore manslaughter is included in murder, and that it is on this principle that a conviction for manslaughter may take place on an indictment for murder. I will not detain you to examine this, for it is not doing justice to the defendant to admit for a moment, even for the sake of argument, that the evidence proves murder. Our time will be more usefully employed in considering the principles of the defence. Let it be admitted then, as stated by counsel for government, that the killing being proved, it is incumbent on the defendant to discharge himself from guilt. Our defence is simply this, that the killing was necessary in self-defence; or, in other words, that the defendant was in such imminent danger of being killed, or suffering other enormous bodily harm, that he had no reasonable prospect of escaping but by killing the assailant.

This is the principle of the defence stripped of all technical language. It is not important to state the difference between justifiable and excusable homicide, or to show to which the evidence will apply, because

by our law, either being proved, the defendant is entitled to a general acquittal.

Let us now recur to the evidence and see whether this defence is not clearly established.

[Mr. Dexter here went into a minute examination of the whole evidence. In the course of it he labored to prove that Mr. Selfridge went on the Exchange about his lawful business, and without any design of engaging in an affray; that he was in the habit of carrying pistols, and that it was uncertain whether he took the weapon in his pocket in consequence of expecting an attack; that if he did he had a right so to do, provided he made no unlawful use of it; that the attack was so violent and with so dangerous a weapon that he was in imminent danger; that it was so sudden, and himself so feeble, that retreat would have been attended with extreme hazard; that the pistol was not discharged until it was certain that none would interfere for his relief, and that blows which perhaps might kill him, and probably would fracture his skull, were inevitable in any other way, and that the previous quarrel with the father of the deceased, if it could be considered as affecting the cause, arose from the misbehavior of old Mr. Austin, and that the defendant had been greatly injured in the affair. Mr. Dexter then proceeded:]

It cannot be necessary, gentlemen, for the defendant to satisfy you beyond doubt that he received a blow before the discharge of the pistol. There is positive evidence from one witness that the fact was

so, and other witnesses say much that renders it probable. But if the defendant waited until the cane was descending, or even uplifted within reach of him, reason and common sense say it is the same thing; no man is bound to wait until he is killed, and being knocked down would disable him for defence. The killing can be justified only on the ground that it was necessary to prevent an injury that was feared; not that it was to punish for one that was past. This would be revenge and not self-defence.

The same law authorities which tell you that a man must retreat as far as he can, say also that if the assault be so violent that he cannot retreat without imminent danger he is excused from so doing. If this means anything it is applicable to our case, for perhaps you can hardly imagine a more violent or more sudden assault. When to this is added the muscular debility of the defendant, it certainly forms a very strong case. He could neither fight nor fly. Had he attempted the latter he must have been overtaken by his more athletic and active antagonist, and either knocked down, or maimed, or murdered, as the passions of that antagonist might dictate.

But it is said and some passages from law books are read to prove it, that the necessity which excuses killing a man must not be produced by the party killing, and that he must be without fault. You are then told that the defendant sought the affray and armed himself for it; and that he had been faulty in calling Mr. Austin, the father, opprobrious names in the newspaper.

As to the affray being sought by the defendant,

there is no evidence to support such an assertion but what arises from his conversation with Mr. Richardson and Mr. Whitman, or from the fact of his having a pistol in his pocket. These only prove that he was prepared to defend himself if attacked; and if he did defend himself lawfully this is the best evidence to show what was his intention. It cannot be presumed that he took the pistol with an unlawful intent, when he never expressed such intent and when his subsequent conduct was lawful. He had been informed that he should be attacked by a bully; in such case what was his duty? Was he bound to shut himself up in his own house? Was he bound to hire a guard? If he had done so this would have been urged as the strongest evidence of his intention to commit an affray. Could he obtain surety of the peace from a future assailant whose name was unknown to him? Or was he bound to go about his business, constitutionally feeble and unarmed, at the peril of his life? There would be more color for this suggestion if the defendant had gone on the Exchange and then insulted either old Mr. Austin or his son, or voluntarily engaged in an altercation with either of them. But he went peaceably about his ordinary business and made use of his weapon only when an unavoidable necessity happened.

A man when about to travel a road infested with robbers lawfully arms himself with pistols; if he should be attacked by a robber, and from necessity kills him, is he to be charged with having sought this necessity because he voluntarily undertook the journey, knowing the danger that attended it, and took

weapons to defend himself against it? As little is the defendant to be censured for going about his ordinary business when he knew it would be attended with danger, and arming himself for defence in case such an emergency should happen as that the laws could not afford him protection. I have here supposed that the pistol was taken for the purpose for which it was used; this, however, is far from being certain from the evidence, as it is in proof that the defendant had daily occasion for pistols in passing between Boston and Medford, a road that has been thought attended with some danger of robbery, and that he sometimes carried pistols in his pocket. There is not the least pretence for saying that he expected an affray with young Mr. Austin. He could not presume that his father would employ him, and it is not probable that he knew him in the confusion that the sudden attack must have produced. As to the publication in the newspaper against old Mr. Austin, though this might be in some sense a fault, yet it is far from being within the principle established by the books. When it is said the party must be without fault, it is evident that nothing more is meant than that he must be without fault in that particular transaction. If we are to leave this and look back, where are we to stop? Are we to go through the life of the party to examine his conduct? If the defendant had libelled Mr. Austin, that was a previous and distinct offence for which he was, and yet is, liable to an action or an indictment, and unless it be presumed without evidence and against all probability that it was intended to produce this affray, it can have no

connection with the principle stated. There is another obvious motive for it, and there is nothing in the evidence tending to convince you that it was intended to provoke an attack. The defendant had been defamed; retaliation was the natural punishment, and there is no reason to presume that anything more was intended, unless it was to blunt the shafts of calumny from Mr. Austin by destroying his credit and standing in society. . . . .

I have hitherto admitted that the publication in the newspaper was a fault in the defendant; nor am I disposed entirely to justify it; yet circumstances existed which went far to extenuate it. He had been defamed on a subject the delicacy of which perhaps will not be understood by you, as you are not lawyers, without some explanation. Exciting persons to bring suits is an infamous offence for which a lawyer is liable to indictment and to be turned away from the bar. It is so fatal to the reputation of a lawyer that it is wounding him in the nicest point to charge him with it. It is the point of honor; and charging him with barratry, or stirring up suits, is like calling a soldier a coward. Mr. Austin the father had accused the defendant publicly of this offence respecting a transaction in which his conduct had been punctiliously correct. The defendant first applied to him in person, and with good temper, to retract the charge; afterwards, in conversation with Mr. Welsh, Mr. Austin acknowledged the accusation to be false, and promised to contradict it as publicly as he had made it. Yet he neglected to do it; again he said he had done it; but the fact appeared to be otherwise. This induced

the defendant to demand a denial of it in writing. Though Mr. Austin privately acknowledged that he had injured Mr. Selfridge, yet he refused to make him an adequate recompense when he neglected to make the denial as public as the charge. This was a state of war between them upon this subject in which the more the defendant annoyed his enemy the less power he had to hurt him. It was therefore a species of self-defence; and Mr. Austin, who had first been guilty of defamation, perhaps had little cause to complain. To try the correctness of this we will imagine an extreme case.

Suppose a man should have established his reputation as a common slanderer and calumniator by libelling the most virtuous and eminent characters of his country from Washington and Adams down through the whole list of American patriots; suppose such an one to have stood for twenty years in the kennel and thrown mud at every well-dressed passenger; suppose him to have published libels till his style of defamation has become as notorious as his face, would not every one say that such conduct was some excuse for bespattering him in turn?

I do not apply this to any individual, but it is a strong case to try a principle; and if such conduct would amount almost to a justification of him who should retaliate, will not the slander of Mr. Austin against Mr. Selfridge furnish some excuse for him?

It has also been stated to you, gentlemen, and some books have been read to prove it, that a man cannot be justified or excused in killing another in his own defence, unless a felony were attempted or intended.

Some confusion seems to have been produced by this, which I will attempt to dissipate. It has been settled that if a felony be attempted, the party injured may kill the offender without retreating as far as he safely can; but that if the offence intended be not a felony he cannot excuse the killing in his own defence unless he so retreat, provided circumstances will permit. On this principle all the books that have been read on this point may easily be reconciled. But the position contended for by the opposing counsel is in direct contradiction to one authority which they themselves have read. In the fourth volume of Blackstone's Commentaries, page 185, the law is laid down as follows:

"The party assaulted must therefore flee as far as he conveniently can, either by reason of some wall, ditch, or other impediment, or as far as the fierceness of the assault will permit him; for it may be so fierce as not to allow him to yield a step without manifest danger of his life, or enormous bodily harm; and then, in his defence, he may kill his assailant instantly. And this is the doctrine of universal justice as well as of the municipal law."

Also in 1 Hawkins' Pleas of the Crown, chap. 29, sect. 13, the law on this point is stated thus:

"And now I am to consider homicide *se defendendo*, which seems to be where one who has no other possible means of preserving his life from one who combats with him on a sudden quarrel, or of defending his person from one who attempts to beat him (especially if such attempt be made upon him in his own

house), kills the person by whom he is reduced to such an inevitable necessity."

From these two highly respectable authorities it appears that though nothing more be attempted than to do great bodily injury, or even to beat a man, and there be no possibility of avoiding it but by killing the assailant, it is excusable so to do.

When the weight and strength of the cane, or rather cudgel, which the deceased selected is considered, and the violence with which it was used, can it be doubted that great bodily harm would have been the consequence if Selfridge had not defended himself? The difference between this weapon and the pistol made use of by the defendant perhaps is greatly exaggerated by the imagination. The danger from the former might be nearly as great as from the latter. When a pistol is discharged at a man in a moment of confusion and agitation, it is very uncertain whether it will take effect at all, and if it should the chances are perhaps four to one that the wound will not be mortal. Still further, when the pistol is once discharged it is of little or no use, but with a cane a man within reach of his object can hardly miss it, and if the first blow should prove ineffectual he can repeat his strokes until he has destroyed his enemy.

If it were intended to excite contempt for the laws of the country, a more effectual method could hardly be taken than to tell a man who has a soul within him that one attempts to rob him of a ten-dollar bill; this is a felony, and therefore esteemed by the law an injury of so aggravated a nature that he may law-

fully kill the aggressor, but that if the same man should whip and kick him on the public Exchange, this is only a trespass, to which he is bound to submit rather than put in jeopardy the life of the assailant, and the laws will recompense him in damages.

Imagine that you read in a Washington newspaper that on a certain day, immediately on the rising of Congress, Mr. A., of Virginia, called Mr. B., of Massachusetts, a scoundrel for voting against his resolution and proceeded deliberately to cut off his ears. Mr. B. was armed with a good sword-cane, but observed that his duty as a citizen forbade him to endanger the life of Mr. A., for that cutting off a man's ear was by law no felony, and he had read in law-books that courts of justice were the only proper *vindices injuriarum,* and that he doubted not that by means of a lawsuit he should obtain a reasonable compensation for his ears. What are the emotions excited in your breasts at this supposed indignity and exemplary patience of the representative of your country? Would you bow to him with profound respect on his return, or rather would not his dignity and usefulness, by universal consent, be lost forever?

We have now taken a view of the facts and the positive rules of law that apply to them, and it is submitted to you with great confidence that the defendant has brought himself within the strictest rules, and completely substantiated his defence by showing that he was under a terrible necessity of doing the act, and that by law he is excused. It must have occurred to you, however, in the course of this investigation, that our law has not been abundant in its provisions for pro-

tecting a man from gross insult and disgrace. Indeed it was hardly to be expected that the sturdy hunters who laid the foundations of the common law would be very refined in their notions.

There is in truth much intrinsic difficulty in legislating on this subject. Laws must be made to operate equally on all members of the community; and such is the difference in the situations and feelings of men that no general rule on this subject can properly apply to all. That which is an irreparable injury to one man, and which he would feel himself bound to repel even by the instantaneous death of the aggressor or by his own, would be a very trivial misfortune to another. There are men in every civilized community whose happiness and usefulness would be forever destroyed by a beating which another member of the same community would voluntarily receive for a five-dollar bill. Were the laws to authorize a man of elevated mind and refined feelings of honor to defend himself from indignity by the death of the aggressor, they must at the same time furnish an excuse to the meanest chimney-sweeper in the country for punishing his sooty companion who should fillip him on the cheek by instantly thrusting his scraper into his belly. But it is too much to conclude from this difficulty in stating exceptions to the general rule that extreme cases do not furnish them. It is vain, and worse than vain to prescribe laws to a community which will require a dereliction of all dignity of character and subject the most elevated to outrages from the most vile. If such laws did exist, the best that could be hoped would be that they would be broken.

Extreme cases are in their nature exceptions to all

rules; and when a good citizen says that, the law not having specified them, he must have a right to use his own best discretion on the subject, he only treats the law of his country in the same manner in which every Christian necessarily treats the precepts of his religion. The law of his Master is, "Resist not evil;" "If a man smite thee on one cheek, turn to him the other also."

No exceptions to these rules are stated; yet does not every rational Christian necessarily make them? I have been led to make these observations, not because I think them necessary in the defence of Mr. Selfridge, but because I will have no voluntary agency in degrading the spirit of my country. The greatest of all public calamities would be a pusillanimous spirit that would tamely surrender personal dignity to every invader. The opposing counsel have read to you, from books of acknowledged authority, that the right of self-defence was not given by the law of civil society, and that that law cannot take it away. It is founded, then, on the law of nature, which is of higher authority than any human institution. This law enjoins us to be useful in proportion to our capacities, to protect the powers of being useful by all means that nature has given us, and to secure our own happiness as well as that of others. These sacred precepts cannot be obeyed without securing to ourselves the respect of others. Surely, I need not say to you that the man who is daily beaten on the public Exchange cannot retain his standing in society by recurring to the laws. Recovering daily damages will rather aggravate the contempt that the community will heap upon him; nor need I say that

when a man has patiently suffered one beating he has almost ensured a repetition of the insult.

It is a most serious calamity for a man of high qualifications for usefulness and delicate sense of honor to be driven to such a crisis, yet should it become inevitable he is bound to meet it like a man, to summon all the energies of the soul, rise above ordinary maxims, poise himself on his own magnanimity, and hold himself responsible only to his God. Whatever may be the consequences he is bound to bear them, to stand like Mount Atlas,

> "When storms and tempests thunder on its brow,
> And oceans break their billows at his feet."

Do not believe that I am inculcating opinions tending to disturb the peace of society. On the contrary, they are the only principles that can preserve it. It is more dangerous for the laws to give security to a man disposed to commit outrages on the persons of his fellow citizens than to authorize those who must otherwise meet irreparable injury to defend themselves at every hazard. Men of eminent talents and virtues, on whose exertions in perilous times the honor and happiness of their country must depend, will always be liable to be degraded by every daring miscreant if they cannot defend themselves from personal insult and outrage.

Men of this description must always feel that to submit to degradation and dishonor is impossible. Nor is this feeling confined to men of that eminent grade. We have thousands in our country who possess this spirit, and without them we should soon deservedly

cease to exist as an independent nation. I respect the laws of my country and revere the precepts of our holy religion; I should shudder at shedding human blood; I would practise moderation and forbearance to avoid so terrible a calamity; yet should I ever be driven to that impassable point where degradation and disgrace begin may this arm shrink palsied from its socket if I fail to defend my own honor.

It has been intimated that the principles of Christianity condemn the defendant. If he is to be tried by this law he certainly has a right to avail himself of one of its fundamental principles. I call on you then to do to him as in similar circumstances you would expect others to do to you, change situations for a moment and ask yourselves what you would have done if attacked as he was. And instead of being necessitated to act at the moment, and without reflection, take time to deliberate. Permit me to state for you your train of thought. You would say: This man who attacks me appears young, athletic, active, and violent; I am feeble and incapable of resisting him; he has a heavy cane which is undoubtedly a strong one, as he had leisure to select it for the purpose; he may intend to kill me; he may, from the violence of his passion, destroy me without intending it; he may maim or greatly injure me; by beating me he must disgrace me. This alone destroys all my prospects, all my happiness, and all my usefulness. Where shall I fly when thus rendered contemptible? Shall I go abroad? Every one will point at me the finger of scorn. Shall I go home? My children—I have taught them to shrink from dishonor; will they call me father? What is life to me

after suffering this outrage? Why should I endure this accumulated wretchedness which is worse than death, rather than put in hazard the life of my enemy?

Ask yourselves whether you would not make use of any weapon that might be within your power to repel the injury; and if it should happen to be a pistol, might you not with sincere feeling of piety call on the Father of Mercies to direct the stroke?

While we reverence the precepts of Christianity, let us not make them void by impracticable construction. They cannot be set in opposition to the law of our nature; they are a second edition of that law; they both proceed from the same author.

Gentlemen, all that is dear to the defendant in his future life is by the law of his country placed in your power. He cheerfully leaves it there. Hitherto he has suffered all that his duty as a good citizen required with fortitude and patience; and if more be yet in store for him he will exhibit to his accusers an example of patient submission to the laws. Yet permit me to say, in concluding his defence, that he feels full confidence that your verdict will terminate his sufferings.*

* The jury returned a verdict of not guilty.

Pinkney, William, an American orator and diplomat, born at Annapolis, Md., March 17, 1764; died in Washington, D.C., Feb. 25, 1822. He took the side of the patriot party during the Revolutionary period, and at the close of the war studied law and was admitted to the bar in 1788. He acquired an extensive acquaintance with admiralty law, which was of essential service during his twelve years' residence in England (1796–1808) as United States Commissioner. Shortly after his return he was again sent to England as minister extraordinary with Monroe, remaining there as minister resident, 1807–11, and becoming attorney-general of the United States in the latter year. He went to Europe in 1816, as minister to Russia and special envoy to Naples, remaining two years, and as a member of the United States Senate, 1820–22, took a very active part in the heated discussion over the Missouri Compromise. He was an able lawyer and orator, and a most skilful diplomatist.

SPEECH FOR THE RELIEF OF THE OPPRESSED SLAVES.

[This speech was delivered in the Assembly of Maryland at their session in 1788, when the report of a committee of the House, favorable to a petition for the relief of the oppressed slaves, was under consideration.]

Mr. Speaker,—Before I proceed to deliver my sentiments on the subject-matter of the report under consideration, I must entreat the members of this House to hear me with patience, and not to condemn what I may happen to advance in support of the opinion I have formed, until they shall have heard me out. I am conscious, sir, that upon this occasion I have long-estab-

lished principles to combat and deep-rooted prejudices to defeat: that I have fears and apprehensions to silence, which the acts of former legislatures have sanctioned, and that (what is equivalent to a host of difficulties) the popular impressions are against me.

But if I am honored with the same indulgent attention which the House has been pleased to afford me on past subjects of deliberation I do not despair of surmounting all these obstacles in the common cause of justice, humanity, and policy. The report appears to me to have two objects in view: to annihilate the existing restraints on the voluntary emancipation of slaves, and to relieve a particular offspring from the punishment, heretofore inflicted on them, for the mere transgression of their parents. To the whole report, separately and collectively, my hearty assent, my cordial assistance, shall be given.

It was the policy of this country, sir, from an early period of colonization, down to the Revolution, to encourage an importation of slaves for purposes which (if conjecture may be indulged) had been far better answered without their assistance. That this inhuman policy was a disgrace to the colony, a dishonor to the legislature, and a scandal to human nature, we need not, at this enlightened period, labor to prove.

The generous mind, that has adequate ideas of the inherent rights of mankind and knows the value of them, must feel its indignation rise against the shameful traffic that introduces slavery into a country, which seems to have been designed by Providence as an asylum for those whom the arm of power had persecuted and not as a nursery for wretches stripped of

every privilege which Heaven intended for its rational creatures, and reduced to a level with—nay, become themselves—the mere goods and chattels of their masters.

Sir, by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage for a single hour; but the law of the land, which (however oppressive and unjust, however inconsistent with the great ground-work of the late Revolution and our present frame of government) we cannot in prudence or from a regard to individual rights abolish, has authorized a slavery as bad or perhaps worse than the most absolute, unconditional servitude that ever England knew in the early ages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans.

But, Mr. Speaker, because a respect for the peace and safety of the community, and the already injured rights of individuals, forbids a compulsory liberation of these unfortunate creatures, shall we unnecessarily refine upon this gloomy system of bondage and prevent the owner of a slave from manumitting him at the only probable period when the warm feelings of benevolence and the gentle workings of commiseration dispose him to the generous deed?

Sir, the natural character of Maryland is sufficiently sullied and dishonored by barely tolerating slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the dye of the imputation deep-

ened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intemperance of party.

Let it be remembered, Mr. Speaker, that even in the days of feudal barbarity, when the minds of men were unexpanded by that liberality of sentiment which springs from civilization and refinement, such was the antipathy in England against private bondage that, so far from being studious to stop the progress of emancipation, the courts of law (aided by legislative connivance) were inventive to liberate by construction. If, for example, a man brought an action against his villain, it was presumed that he designed to manumit him; and although perhaps this presumption was, in ninety-nine instances out of a hundred, contrary to the fact, yet upon this ground alone were bondmen adjudged to be free.

Sir, I sincerely wish it were in my power to impart my feelings upon this subject to those who hear me; they would then acknowledge that while the owner was protected in the property of his slave he might, at the same time, be allowed to relinquish that property to the unhappy subject whenever he should be so inclined. They would then feel that denying this privilege was repugnant to every principle of humanity—an everlasting stigma on our government—an act of unequalled barbarity, without a color of policy or a pretext of necessity to justify it.

Sir, let gentlemen put it home to themselves, that after Providence has crowned our exertions in the cause of general freedom with success, and led us on

to independence through a myriad of dangers and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms and lose all sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils and fancy that we feel reverence for her dictates. We may declaim, with all the vehemence of animated rhetoric, against oppression, and flatter ourselves that we detest the ugly monster, but so long as we continue to cherish the poisonous weed of partial slavery among us the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends of equal freedom and the inherent rights of our species when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent, imperceptible degrees, the horrid fabric of individual bondage, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion: to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the lawless invader of the rights of his fellow creatures: to-morrow we may be guilty of the same oppression which we reprobated and resisted in another.

Is it, Mr. Speaker, because the complexion of these

devoted victims is not quite so delicate as ours; is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capricious than our own; or is it because we have been so habituated to their situation as to become callous to the horrors of it that we are determined, whether politic or not, to keep them, till time shall be no more, on a level with the brutes. For "nothing," says Montesquieu, "so much assimilates a man to a brute as living among freemen, himself a slave." Call not Maryland a land of liberty; do not pretend that she has chosen this country as an asylum, that here she has erected her temple and consecrated her shrine, when here, also, her unhallowed enemy holds his hellish pandemonium and our rulers offer sacrifice at his polluted altar. The lily and the bramble may grow in social proximity, but liberty and slavery delight in separation.

Sir, let us figure to ourselves, for a moment, one of these unhappy victims, more informed than the rest, pleading, at the bar of this House, the cause of himself and his fellow sufferers; what would be the language of this orator of nature? Thus my imagination tells me he would address us:

"We belong, by the policy of the country, to our masters, and submit to our rigorous destiny; we do not ask you to divest them of their property because we are conscious you have not the power; we do not entreat you to compel an emancipation of us or our posterity, because justice to your fellow citizens forbids it; we only supplicate you not to arrest the gentle arm of humanity when it may be stretched forth in our

behalf; nor to wage hostilities against that moral or religious conviction which may at any time incline our masters to give freedom to us or our unoffending offspring; not to interpose legislative obstacles to the course of voluntary manumission.

"Thus shall you neither violate the rights of your people nor endanger the quiet of the community while you vindicate your public councils from the imputation of cruelty and the stigma of causeless, unprovoked oppression. We have never," would he argue, "rebelled against our masters; we have never thrown your government into a ferment by struggles to regain the independence of our fathers. We have yielded our necks submissive to the yoke, and, without a murmur, acquiesced in the privation of our native rights. We conjure you, then, in the name of the common parent of mankind, reward us not, for this long and patient acquiescence, by shutting up the main avenues to our liberation, by withholding from us the poor privilege of benefiting by the kind indulgence, the generous intentions of our superiors."

What could we answer to arguments like these? Silent and peremptory, we might reject the application; but no words could justify the deed.

In vain should we resort to apologies grounded on the fallacious suggestions of a cautious and timid policy. I would as soon believe the incoherent tale of a schoolboy who should tell me he had been frightened by a ghost as that the grant of this permission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming free? Are we alarmed lest, by being ad-

mitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of freemen is he who is robbed of them himself! In him the foul demon of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others; while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune prevented him from attaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love.

Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the curse of perpetual bondage, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom! Dishonorable to the species is the idea that they would ever prove injurious to our interest. Released from the shackles of slavery by the justice of government and the bounty of individuals, the want of fidelity and attachment would be next to impossible.

Sir, when we talk of policy, it would be well for us to reflect whether pride is not at the bottom of it; whether we do not feel our vanity and self-conse-

quence wounded at the idea of a dusky African participating equally with ourselves in the rights of human nature, and rising to a level with us from the lowest point of degradation. Prejudices of this kind, sir, are often so powerful as to persuade us that whatever countervails them is the extremity of folly, and that the peculiar path of wisdom is that which leads to their gratification.

But it is for us to be superior to the influence of such ungenerous motives; it is for us to reflect that whatever the complexion, however ignoble the ancestry or uncultivated the mind, one universal Father gave being to them and us; and, with that being, conferred the inalienable rights of the species. But I have heard it argued that if you permit a master to manumit his slaves by his last will and testament, as soon as they discover he has done so they will destroy him, to prevent a revocation. Never was a weaker defence attempted, to justify the severity of persecution; never did a bigoted inquisition condemn a heretic to torture and to death upon grounds less adequate to justify the horrid sentence. Sir, is it not obvious that the argument applies equally against all devices whatsoever, for any person's benefit? For, if an advantageous bequest is made, even to a white man, has he not the same temptation to cut short the life of his benefactor, to secure and accelerate the enjoyment of the benefit?

As the universality of this argument renders it completely nugatory, so is its cruelty palpable by its being more applicable to other instances, to which it has never been applied at all, than to the case under consideration.

Otis, Harrison Gray, an American statesman and orator, born in Boston, Mass., October 8, 1765 ; died there, October 28, 1848. He was a son of the famous orator, James Otis, and early entered political life. He was a member of Congress from Massachusetts, 1797-1801, and United States Senator, 1817-22. He was long prominent in the Legislature of his native State, was an active member of the Hartford Convention in 1814, and held the office of mayor of Boston in 1829. He was renowned for his eloquence in his day, and his eulogy upon Hamilton is one of the best known of his speeches.

EULOGY ON ALEXANDER HAMILTON.

PRONOUNCED AT THE REQUEST OF THE CITIZENS OF BOSTON, JULY 26, 1804.

WE are convened, afflicted fellow citizens, to perform the only duties which our republic acknowledge or fulfil to their illustrious dead; to present to departed excellence an oblation of gratitude and respect, to inscribe its virtues on the urn which contains its ashes, and to consecrate its example by the tears and sympathy of an affectionate people.

Must we, then, realize that Hamilton is no more! Must the sod, not yet cemented on the tomb of Washington, still moist with our tears, be so soon disturbed to admit the beloved companion of Washington, the partner of his dangers, the object of his confidence, the disciple who leaned upon his bosom!

Insatiable Death! Will not the heroes and statesmen whom mad ambition has sent from the crimsoned fields of Europe suffice to people thy dreary dominions!

Thy dismal avenues have been thronged with princely martyrs and illustrious victims. Crowns and sceptres, the spoils of royalty, are among thy recent trophies, and the blood of innocence and valor has flowed in torrents at thy inexorable command. Such have been thy ravages in the Old World. And in our infant country how small was the remnant of our revolutionary heroes which had been spared from thy fatal grasp! Could not our Warren, our Montgomery, our Mercer, our Greene, our Washington appease thy vengeance for a few short years! Shall none of our early patriots be permitted to behold the perfection of their own work in the stability of our government and the maturity of our institutions! Or hast thou predetermined, dread King of Terrors! to blast the world's best hope, and, by depriving us of all the conductors of our glorious Revolution, compel us to bury our liberties in their tombs!

O Hamilton! great would be the relief of my mind were I permitted to exchange the arduous duty of attempting to portray the varied excellence of thy character for the privilege of venting the deep and unavailing sorrow which swells my bosom at the remembrance of the gentleness of thy nature, of thy splendid talents and placid virtues! But, my respected friends, an indulgence of these feelings would be inconsistent with that deliberate recital of the services and qualities of this great man which is required by impartial justice and your expectations.

In governments which recognize the distinctions of splendid birth and titles, the details of illustrious lineage and connections become interesting to those who

are accustomed to value those advantages. But in the man whose loss we deplore, the interval between manhood and death was so uniformly filled by a display of the energies of his mighty mind that the world has scarcely paused to inquire into the story of his infant or puerile years. He was a planet the dawn of which was not perceived; which rose with full splendor, and emitted a constant stream of glorious light until the hour of its sudden and portentous eclipse.

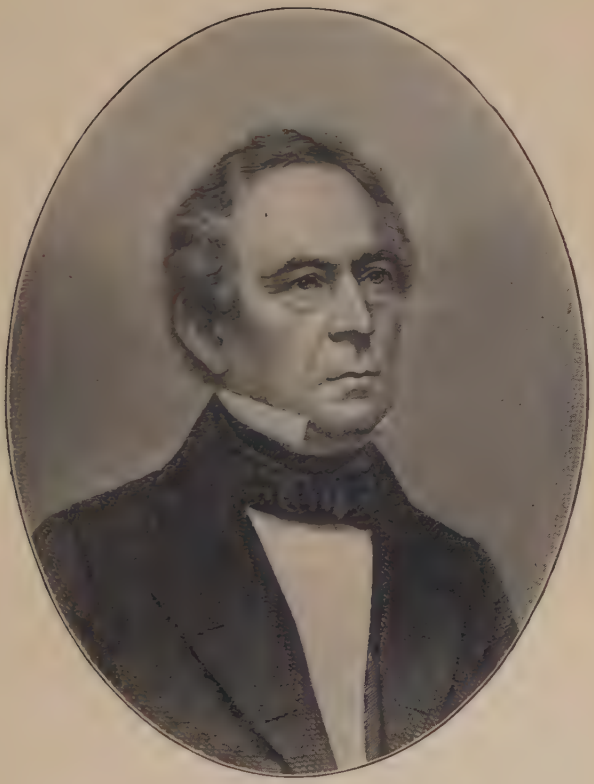
At the age of eighteen, while cultivating his mind at Columbia College, he was roused from the leisure and delights of scientific groves by the din of war. He entered the American army as an officer of artillery, and at that early period familiarized himself to wield both his sword and his pen in the service of his country. He developed at once the qualities which command precedency, and the modesty which conceals its pretensions. Frank, affable, intelligent, and brave, young Hamilton became the favorite of his fellow soldiers. His intuitive perception and correct judgment rendered him a rapid proficient in military science, and his merit silenced the envy which it excited.

A most honorable distinction now awaited him. He attracted the attention of the commander-in-chief, who appointed him an aid and honored him with his confidence and friendship. This domestic relation afforded to both, frequent means of comparing their opinions upon the policy and destinies of our country, upon the sources of its future prosperity and grandeur, upon the imperfection of its existing establishments; and to digest those principles which, in happier times might be interwoven into a more perfect model of govern-

ment. Hence, probably, originated that filial veneration for Washington and adherence to his maxims which were ever conspicuous in the deportment of Hamilton; and hence the exalted esteem and predilection uniformly displayed by the magnanimous patron to the faithful and affectionate pupil.

While the disasters of the American army, and the perseverance of the British ministry presented the gloomy prospect of protracted warfare, young Hamilton appeared to be content in his station and with the opportunities which he had of fighting by the side and executing the orders of his beloved chief. But the investment of the army of Cornwallis suddenly changed the aspect of affairs and rendered it probable that this campaign, if successful, would be the most brilliant and decisive of any that was likely to occur. It now appeared that his heart had long panted for an occasion to signalize his intrepidity and devotion to the service of his country.

He obtained, by earnest entreaties, the command of a detachment destined to storm the works of Yorktown. It is well known with what undaunted courage he pressed on to the assault, with unloaded arms presented his bosom to the dangers of the bayonet, carried the fort, and thus eminently contributed to decide the fate of the battle and of his country. But even here the impetuosity of the youthful conqueror was restrained by the clemency of the benevolent man: the butchery of the American garrison at New London would have justified and seemed to demand an exercise of the rigors of retaliation. This was strongly intimated to Colonel Hamilton, but we find in his report



EDWARD EVERETT.

to his commanding officer, in his own words, that, "incapable of imitating examples of barbarity, and forgetting recent provocations, he spared every man who ceased to resist."

Having soon afterward terminated his military career, he returned to New York and qualified himself to commence practice as a counsellor at law. But the duties and emoluments of his profession were not then permitted to stifle his solicitude to give a correct tone to public opinion by the propagation of principles worthy of adoption by a people who had just undertaken to govern themselves. He found the minds of men chafed and irritated by the recollection of their recent sufferings and dangers. The city of New York, so long a garrison, presented scenes and incidents which naturally aggravated these dispositions, and too many were inclined to fan the flame of discord and mar the enjoyment and advantages of peace by fomenting the animosities engendered by the collisions of war.

To soothe these angry passions; to heal these wounds; to demonstrate the folly and inexpediency of scattering the bitter tares of national prejudice and private rancor among the seeds of public prosperity, were objects worthy of the heart and head of Hamilton. To these he applied himself, and by a luminous pamphlet assuaged the public resentment against those whose sentiments had led them to oppose the Revolution; and thus preserved from exile many valuable citizens who have supported the laws and increased the opulence of their native state.

From this period he appears to have devoted him-

self principally to professional occupations, which were multiplied by his increasing celebrity, until he became a member of the convention which met at Annapolis merely for the purpose of devising a mode of levying and collecting a general impost. Although the object of this convention was thus limited, yet so manifold, in his view, were the defects of the old confederation, that a reform in one particular would be ineffectual; he therefore first suggested the proposal of attempting a radical change in its principles; and the address to the people of the United States, recommending a general convention with more extensive powers, which was adopted by that assembly, was the work of his pen.

To the second convention, which framed the constitution, he was also deputed as a delegate from the State of New York.

In that assemblage of the brightest jewels of America the genius of Hamilton sparkled with pre-eminent lustre. The best of our orators were improved by the example of his eloquence. The most experienced of our statesmen were instructed by the solidity of his sentiments, and all were convinced of the utility and extent of his agency in framing the constitution.

When the instrument was presented to the people for their ratification, the obstacles incident to every attempt to combine the interests, views, and opinions of the various States threatened, in some of them, to frustrate the hopes and exertions of its friends. The fears of the timid, the jealousies of the ignorant, the arts of the designing, and the sincere conviction of the superficial, were arrayed into a formidable alliance in

opposition to the system. But the magic pen of Hamilton dissolved this league. Animated by the magnitude of his object, he enriched the daily papers with the researches of a mind teeming with political information. In these rapid essays, written amid the avocations of business and under the pressure of the occasion, it would be natural to expect that much would require revision and correction. But in the mind of Hamilton nothing was superficial but resentment of injuries; nothing fugitive but those transient emotions which sometimes lead virtue astray. These productions of his pen are now considered as a standard commentary upon the nature of our government; and he lived to hear them quoted by his friends and adversaries, as high authority, in the tribunals of justice and in the legislature of the nation.

When the constitution was adopted, and Washington was called to the presidency by his grateful country, our departed friend was appointed to the charge of the treasury department, and of consequence became a confidential member of the administration. In this new sphere of action he displayed a ductility and extent of genius, a fertility in expedients, a faculty of arrangement, and industry in application to business, and a promptitude in despatch, but, beyond all, a purity of public virtue and disinterestedness, which are too mighty for the grasp of my feeble powers of description.

Indeed, the public character of Hamilton and his measures from this period are so intimately connected with the history of our country that it is impossible to do justice to one without devoting a volume to the

other. The treasury of the United States, at the time of his entrance upon the duties of his office, was literally a creature of the imagination and existed only in name, unless folios of unsettled balances and bundles of reproachful claims were deserving the name of a treasury.

Money there was none; and of public credit scarcely a shadow remained. No national system for raising and collecting a revenue had been attempted, and no estimate could be formed, from the experiments of the different States, of the probable result of any project of deriving it from commerce. The national debt was not only unpaid, but its amount was a subject of uncertainty and conjecture. Such was the chaos from which the secretary was called upon to elicit the elements of a regular system adequate to the immediate exigencies of a new and expensive establishment, and to an honorable provision for the public debt. His arduous duty was not to reform abuses, but to create resources; not to improve upon precedent, but to invent a model. In an ocean of experiment he had neither chart nor compass but those of his own invention. Yet such was the comprehensive vigor of his mind that his original projects possessed the hardihood of settled regulations. His sketches were little short of the perfection of finished pictures. In the first session of Congress he produced a plan for the organization of the treasury department and for the collection of a national revenue; and in the second, a report of a system for funding the national debt. Great objections were urged against the expediency of the principles assumed by him for the basis

of his system; but no doubt remained of their effect. A dormant capital was revived, and with it commerce and agriculture awoke as from the sleep of death. By the enchantment of this "mighty magician" the beauteous fabric of public credit rose in full majesty upon the ruins of the old confederation; and men gazed with astonishment upon a youthful prodigy who at the age of thirty-three, having already been the ornament of the camp, the forum, and the senate, was now suddenly transformed into an accomplished financier and a self-taught adept, not only in the general principles, but the intricate details, of his new department.

It is not wonderful that such resplendent powers of doing right should have exposed him to the suspicion of doing wrong. He was suspected and accused. His political adversaries were his judges. Their investigation of his conduct and honorable acquittal added new lustre to his fame and confirmed the national sentiment that in his public character he was indeed "a man without fear and without reproach."

To his exertions in this department we are indebted for many important institutions. Among others, the plan of redeeming the public debt, and of a national bank to facilitate the operations of government, were matured and adopted under his auspices; and so complete were his arrangements that his successors though men of undoubted talents, and one of them a political opponent, have found nothing susceptible of material improvement.

But the obligations of his country during this period were not confined to his merits as a financier.

The flame of insurrection was kindled in the west-

ern counties of Pennsylvania, and raged with such violence that large detachments of military force were marched to the scene of the disturbance, and the presence of the great Washington was judged necessary to quell the increasing spirit of revolt. He ordered the secretary to quit the duties of his department and attend him on the expedition. His versatile powers were immediately and efficaciously applied to restore the authority of the laws. The principal burden of the important civil and military arrangements requisite for this purpose devolved upon his shoulders. It was owing to his humanity that the leaders of this rebellion escaped exemplary punishment: and the successful issue was, in public and unqualified terms, ascribed to him by those whose political relations would not have prompted them to pay him the homage of unmerited praise.

He was highly instrumental in preserving our peace and neutrality, and saving us from the ruin which has befallen the republics of the Old World. Upon this topic I am desirous of avoiding every intimation which might prove offensive to individuals of any party. God forbid that the sacred sorrow in which we all unite should be disturbed by the mixture of any unkindly emotions! I would merely do justice to this honored shade without arraigning the motives of those who disapproved and opposed his measures.

The dangers which menaced our infant government at the commencement of the French revolution are no longer a subject of controversy. The principles professed by the first leaders of that revolution were so congenial to those of the American people; their pre-

tences of aiming merely at the reformation of abuses were so plausible; the spectacle of a great people struggling to recover their "long-lost liberties" was so imposing and august; while that of a combination of tyrants to conquer and subjugate was so revolting; the services, received from one of the belligerent powers, and the injuries inflicted by the other, were so recent in our minds,—that the sensibility of the nation was excited to the most exquisite pitch.

To this disposition, so favorable to the wishes of France, every appeal was made which intrigue, corruption, flattery, and threats could dictate. At this dangerous and dazzling crisis there were but few men entirely exempt from the general delirium.

Among that few was Hamilton. His penetrating eye discerned, and his prophetic voice foretold, the tendency and consequence of the first revolutionary movements. He was assured that every people which should espouse the cause of France would pass under her yoke, and that the people of France, like every nation which surrenders its reason to the mercy of demagogues, would be driven by the storms of anarchy upon the shores of despotism. All this he knew was conformable to the invariable law of nature and experience of mankind. From the reach of this desolation he was anxious to save his country, and in the pursuit of his purpose he breasted the assaults of calumny and prejudice. "The torrent roared, and he did buffet it."

Appreciating the advantages of a neutral position, he co-operated with Washington, Adams, and the other patriots of that day in the means best adapted

to maintain it. The rights and duties of neutrality, proclaimed by the President, were explained and enforced by Hamilton in the character of Pacificus. The attempts to corrupt and intimidate were resisted. The British treaty was justified and defended as an honorable compact with our natural friends, and pregnant with advantages which have since been realized and acknowledged by its opponents.

By this pacific and vigorous policy, in the whole course of which the genius and activity of Hamilton were conspicuous, time and information were afforded to the American nation, and correct views were acquired of our situation and interests. We beheld the republics of Europe march in procession to the funeral of their own liberties by the lurid light of the revolutionary torch. The tumult of the passions subsided, the wisdom of the administration was perceived, and America now remains a solitary monument in the desolated plains of liberty.

Having remained at the head of the treasury several years and filled its coffers, having developed the sources of an ample revenue and tested the advantages of his own system by his own experience, and having expended his private fortune, he found it necessary to retire from public employment and to devote his attention to the claims of a large and dear family. What brighter instance of disinterested honor has ever been exhibited to an admiring world!

That a man upon whom devolved the task of originating a system of revenue for a nation; of devising the checks in his own department; of providing for the collection of sums the amount of which was con-

jectural; that a man who anticipated the effects of a funding system yet a secret in his own bosom, and who was thus enabled to have secured a princely fortune consistently with principles esteemed fair by the world; that such a man, by no means addicted to an expensive or extravagant style of living, should have retired from office destitute of means adequate to the wants of mediocrity, and have resorted to professional labor for the means of decent support, are facts which must instruct and astonish those who, in countries habituated to corruption and venality, are more attentive to the gains than to the duties of official station. Yet Hamilton was that man. It was a fact, always known to his friends, and it is now evident from his testament, made under a deep presentiment of his approaching fate. Blush, then, ministers and warriors if imperial France, who have deluded your nation by pretensions to a disinterested regard for its liberties and rights! Disgorge the riches extorted from your fellow citizens and the spoils amassed from confiscation and blood! Restore to impoverished nations the price paid by them for the privilege of slavery and now appropriated to the refinements of luxury and corruption! Approach the tomb of Hamilton and compare the insignificance of your gorgeous palaces with the awful majesty of this tenement of clay!

We again accompany our friend in the walks of private life and in the assiduous pursuit of his profession until the aggressions of France compelled the nation to assume the attitude of defence. He was now invited by the great and enlightened statesman who had succeeded to the Presidency, and at the ex-

press request of the commander-in-chief, to accept of the second rank in the army. Though no man had manifested a greater desire to avoid war, yet it is freely confessed that when war appeared to be inevitable his heart exulted in "the tented field" and he loved the life and occupation of a soldier. His early habits were formed amid the fascinations of the camp. And though the pacific policy of Adams once more rescued us from war and shortened the existence of the army establishment, yet its duration was sufficient to secure to him the love and confidence of officers and men, to enable him to display the talents and qualities of a great general, and to justify the most favorable prognostics of his prowess in the field.

Once more this excellent man unloosed the helmet from his brow and returned to the duties of the forum. From this time he persisted in a firm resolution to decline all civil honors and promotion and to live a private citizen unless again summoned to the defence of his country. He became more than ever assiduous in his practice at the bar, and intent upon his plans of domestic happiness, until a nice and mistaken estimate of the claims of honor impelled him to the fatal act which terminated his life.

While it is far from my intention to draw a veil over this last great error, or in the least measure to justify a practice which threatens in its progress to destroy the liberty of speech and of opinion, it is but justice to the deceased to state the circumstances which should palliate the resentment that may be excited in some good minds toward his memory. From the last sad memorial which we posssess from his hand, and in

which, if our tears permit, we may trace the sad presage of the impending catastrophe, it appears that his religious principles were at variance with the practice of duelling, and that he could not reconcile his benevolent heart to shed the blood of an adversary in private combat, even in his own defence. It was then, from public motives that he committed this great mistake. It was for the benefit of his country that he erroneously conceived himself obliged to make the painful sacrifice of his principles and to expose his life. The sober judgment of the man was confounded and misdirected by the jealous honor of the soldier; and he evidently adverted to the possibility of events that might render indispensable the esteem and confidence of soldiers as well as of citizens.

But while religion mourns for this aberration of the judgment of a great man, she derives some consolation from his testimony in her favor. If she rejects the apology, she admits the repentance; and if the good example be not an atonement, it may be an antidote for the bad. Let us, then, in an age of infidelity, join, in imagination, the desolate group of wife and children and friends who surrounded the dying bed of the inquisitive, the luminous, the scientific Hamilton, and witness his attestation to the truth and comforts of our holy religion. Let us behold the lofty warrior bow his head before the cross of the meek and lowly Jesus; and he who had so lately graced the sumptuous tables and society of the luxurious and rich, now, regardless of these meaner pleasures, aspiring to be admitted to a sublime enjoyment with which no worldly joys can compare,—to a devout and

humble participation of the Bread of Life. The religious fervor of his last moments was not an impulse of decaying nature yielding to its fears, but the result of a firm conviction of the truths of the gospel. I am well informed that in early life the evidences of the Christian religion had attracted his serious examination and obtained his deliberate assent to their truth, and that he daily, upon his knees, devoted a portion of time to a compliance with one of its most important injunctions: and that, however these edifying propensities might have yielded occasionally to the business and temptations of life, they always resumed their influence and would probably have prompted him to a public profession of his faith in his Redeemer.

Such was the untimely fate of Alexander Hamilton, whose character warrants the apprehension that, "take him for all in all, we ne'er shall look upon his like again."

Nature, even in the partial distribution of her favors, generally limits the attainments of great men within distinct and particular spheres of eminence. But he was the darling of nature and privileged beyond the rest of her favorites. His mind caught at a glance that perfect comprehension of a subject for which others are indebted to patient labor and investigation. In whatever department he was called to act he discovered an intuitive knowledge of its duties which gave him an immediate ascendency over those who had made them the study of their lives; so that, after running through the circle of office as a soldier, statesman, and financier, no question remained for which he had been qualified, but only in which he had

evinced the most superlative merit. He did not dissemble his attachment to a military life, nor his consciousness of possessing talents for command; yet no man more strenuously advocated the rights of the civil over the military power, nor more cheerfully abdicated command and returned to the rank of the citizen when his country could dispense with the necessity of an army.

In his private profession, at a bar abounding with men of learning and experience, he was without a rival. He arranged, with the happiest facility, the materials collected in the vast storehouse of his memory, surveyed his subject under all its aspects, and enforced his arguments with such powers of reasoning that nothing was wanting to produce a conviction and generally to ensure success. His eloquence combined the nervousness and copious elegance of the Greek and Roman schools and gave him the choice of his clients and his business. These wonderful powers were accompanied by a natural politeness and winning condescension which forestalled the envy of his brethren. Their hearts were gained before their pride was alarmed; and they united in their approbation of a preeminence which reflected honor on their fraternity.

From such talents, adorned by incorruptible honesty and boundless generosity, an immense personal influence over his political and private friends was inseparable; and by those who did not know him, and who saw the use to which ambition might apply it, he was sometimes suspected of views unpropitious to the nature of our government. The charge was inconsistent with the exertions he had made to render that govern-

ment, in its present form, worthy of the attachment and support of the people, and his voluntary relinquishment of the means of ambition, the purse-strings of the nation. He was, indeed, ambitious, but not of power; he was ambitious only to convince the world of the spotless integrity of his administration and character. This was the key to the finest sensibilities of his heart. He shrunk from the imputation of misconduct in public life: and if his judgment ever misled him, it was only when warped by an excessive eagerness to vindicate himself at the expense of his discretion. To calumny in every other shape he opposed the defence of dignified silence and contempt.

Had such a character been exempt from foibles and frailties it would not have been human. Yet so small was the catalogue of these that they would have escaped observation but for the unparalleled frankness of his nature, which prompted him to confess them to the world. He did not consider greatness as an authority for habitual vice; and he repented with such contrition of casual error that none remained offended but those who never had a right to complain. The virtues of his private and domestic character comprised whatever conciliates affection and begets respect. To envy he was a stranger, and of merit and talents the unaffected eulogist and admirer. The charms of his conversation, the brilliance of his wit, his regard to decorum, his ineffable good humor, which led him down from the highest range of intellect to the level of colloquial pleasantry, will never be forgotten, perhaps never equalled.

To observe that such a man was dear to his family

would be superfluous. To describe how dear, impossible. Of this we might obtain some adequate conception could we look into the retreat which he had chosen for the solace of his future years; which, enlivened by his presence, was so lately the mansion of cheerfulness and content; but now, alas! of lamentation and woe!

> "For him no more the blazing hearth shall burn,
> Or tender consort wait with anxious care;
> No children run to lisp their sire's return,
> Or climb his knees, the envied kiss to share"

With his eye upon the eternal world, this dying hero had been careful to prepare a testament almost for the sole purpose of bequeathing to his orphans the rich legacy of his principles; and having exhibited, in his last hours, to this little band the manner in which a Christian should die, he drops, in his flight to heaven, a summary of the principles by which a man of honor should live.

The universal sorrow manifested in every part of the Union upon the melancholy exit of this great man is an unequivocal testimonial of the public opinion of his worth. The place of his residence is overspread with a gloom which bespeaks the presence of a public calamity, and the prejudices of party are absorbed in the overflowing tide of national grief.

It is indeed a subject of consolation that diversity of political opinions has not yet extinguished the sentiment of public gratitude. There is yet a hope that events like these, which bring home to our bosoms the sensation of a common loss, may yet remind us of our

common interest and of the times when with one accord we joined in the homage of respect to our living as well as to our deceased worthies.

Should those days once more return, when the people of America, united as they once were united, shall make merit the measure of their approbation and confidence, we may hope for a constant succession of patriots and heroes. But should our country be rent by factions, and the merit of the man be estimated by the zeal of the partizan, irreparable will be the loss of those few men who, having once been esteemed by all, might again have acquired the confidence of all and saved their country in an hour of peril by their talents and virtues.

> "So stream the sorrows that embalm the brave;
> The tears which virtue sheds on glory's grave."

Adams, John Quincy, a distinguished American statesman, publicist and orator, sixth President of the United States, born in that portion of Braintree, Mass., now known as Quincy, July 11, 1767; died in Washington, D. C., Feb. 21, 1848. He was the son of John Adams, the second President, and his life was spent almost entirely in public. As a youth he accompanied his father to Europe, and was familiar with the customs of diplomacy ere he had left college. He studied law and early entered the foreign service, and at various times was the representative of his country in England, France, Russia and Holland. From 1806 to 1809 he was professor of rhetoric at Harvard College, his "Lectures on Rhetoric and Oratory" being one of the results of his labors there. After retiring from the Presidency he entered the House of Representatives, where he was active in political debate until the very end of his life, some of his ablest speeches being made there after he had passed the age of fourscore. His eloquence and vigor in debate won for him the title of "The Old Man Eloquent."

ORATION AT PLYMOUTH.

DELIVERED AT PLYMOUTH, DECEMBER 22, 1802, IN COMMEMORATION OF THE LANDING OF THE PILGRIMS.

Among the sentiments of most powerful operation upon the human heart, and most highly honorable to the human character, are those of veneration for our forefathers, and of love for our posterity. They form the connecting links between the selfish and the social passions. By the fundamental principle of Christianity, the happiness of the individual is interwoven, by

innumerable and imperceptible ties, with that of his contemporaries. By the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other. Respect for his ancestors excites, in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues. Love for his posterity spurs him to exertion for their support, stimulates him to virtue for their example, and fills him with the tenderest solicitude for their welfare. Man, therefore, was not made for himself alone. No, he was made for his country, by the obligations of the social compact; he was made for his species, by the Christian duties of universal charity; he was made for all ages past, by the sentiment of reverence for his forefathers; and he was made for all future times, by the impulse of affection for his progeny. Under the influence of these principles,

"Existence sees him spurn her bounded reign."

They redeem his nature from the subjection of time and space; he is no longer a "puny insect shivering at a breeze"; he is the glory of creation, formed to occupy all time and all extent; bounded, during his residence upon earth, only to the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.

The voice of history has not, in all its compass, a note but answers in unison with these sentiments. The barbarian chieftain, who defended his country

against the Roman invasion, driven to the remotest extremity of Britain, and stimulating his followers to battle by all that has power of persuasion upon the human heart, concluded his persuasion by an appeal to these irresistible feelings: "Think of your forefathers and of your posterity." The Romans themselves, at the pinnacle of civilization, were actuated by the same impressions, and celebrated, in anniversary festivals, every great event which had signalized the annals of their forefathers. To multiply instances where it were impossible to adduce an exception would be to waste your time and abuse your patience; but in the sacred volume, which contains the substance of our firmest faith and of our most precious hopes, these passions not only maintain their highest efficacy, but are sanctioned by the express injunctions of the Divine Legislator to his chosen people.

The revolutions of time furnish no previous example of a nation shooting up to maturity and expanding into greatness with the rapidity which has characterized the growth of the American people. In the luxuriance of youth, and in the vigor of manhood, it is pleasing and instructive to look backward upon the helpless days of infancy; but in the continual and essential changes of a growing subject, the transactions of that early period would be soon obliterated from the memory but for some periodical call of attention to aid the silent records of the historian. Such celebrations arouse and gratify the kindliest emotions of the bosom. They are faithful pledges of the respect we bear to the memory of our ancestors and of the tenderness with which we cherish the rising generation. They introduce the

sages and heroes of ages past to the notice and emulation of succeeding times; they are at once testimonials of our gratitude, and schools of virtue to our children.

These sentiments are wise; they are honorable; they are virtuous; their cultivation is not merely innocent pleasure, it is incumbent duty. Obedient to their dictates, you, my fellow-citizens, have instituted and paid frequent observance to this annual solemnity. And what event of weightier intrinsic importance, or of more extensive consequences, was ever selected for this honorary distinction?

In reverting to the period of our origin, other nations have generally been compelled to plunge into the chaos of impenetrable antiquity, or to trace a lawless ancestry into the caverns of ravishers and robbers. It is your peculiar privilege to commemorate, in this birthday of your nation, an event ascertained in its minutest details; an event of which the principal actors are known to you familiarly, as if belonging to your own age; an event of a magnitude before which imagination shrinks at the imperfection of her powers. It is your further happiness to behold, in those eminent characters, who were most conspicuous in accomplishing the settlement of your country, men upon whose virtue you can dwell with honest exultation. The founders of your race are not handed down to you, like the fathers of the Roman people, as the sucklings of a wolf. You are not descended from a nauseous compound of fanaticism and sensuality, whose only argument was the sword, and whose only paradise was a brothel. No Gothic scourge of God, no Vandal pest of nations, no fabled fugitive from the flames of Troy,

no bastard Norman tyrant, appears among the list of worthies who first landed on the rock, which your veneration has preserved as a lasting monument of their achievement. The great actors of the day we now solemnize were illustrious by their intrepid valor no less than by their Christian graces, but the clarion of conquest has not blazoned forth their names to all the winds of heaven. Their glory has not been wafted over oceans of blood to the remotest regions of the earth. They have not erected to themselves colossal statues upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution. But theirs was "the better fortitude of patience and heroic martyrdom." Theirs was the gentle temper of Christian kindness; the rigorous observance of reciprocal justice; the unconquerable soul of conscious integrity. Worldly fame has been parsimonious of her favor to the memory of those generous companions. Their numbers were small; their stations in life obscure; the object of their enterprise unostentatious; the theatre of their exploits remote; how could they possibly be favorites of worldly Fame—that common crier, whose existence is only known by the assemblage of multitudes; that pandor of wealth and greatness, so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue; that parasite of pride, ever scornful to meekness, and ever obsequious to insolent power; that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless, distant excellence?

When the persecuted companions of Robinson, exiles from their native land, anxiously sued for the

privilege of removing a thousand leagues more distant to an untried soil, a rigorous climate, and a savage wilderness, for the sake of reconciling their sense of religious duty with their affections for their country, few, perhaps none of them, formed a conception of what would be, within two centuries, the result of their undertaking. When the jealous and niggardly policy of their British sovereign denied them even that humblest of requests, and instead of liberty would barely consent to promise connivance, neither he nor they might be aware that they were laying the foundations of a power, and that he was sowing the seeds of a spirit, which, in less than two hundred years, would stagger the throne of his descendants, and shake his united kingdoms to the centre. So far is it from the ordinary habits of mankind to calculate the importance of events in their elementary principles, that had the first colonists of our country ever intimated as a part of their designs the project of founding a great and mighty nation, the finger of scorn would have pointed them to the cells of Bedlam as an abode more suitable for hatching vain empires than the solitude of a transatlantic desert.

These consequences, then so little foreseen, have unfolded themselves, in all their grandeur, to the eyes of the present age. It is a common amusement of speculative minds to contrast the magnitude of the most important events with the minuteness of their primeval causes, and the records of mankind are full of examples for such contemplations. It is, however, a more profitable employment to trace the constituent principles of future greatness in their kernel; to detect in the acorn

at our feet the germ of that majestic oak, whose roots shoot down to the centre, and whose branches aspire to the skies. Let it be, then, our present occupation to inquire and endeavor to ascertain the causes first put in operation at the period of our commemoration, and already productive of such magnificent effects; to examine with reiterated care and minute attention the characters of those men who gave the first impulse to a new series of events in the history of the world; to applaud and emulate those qualities of their minds which we shall find deserving of our admiration; to recognize with candor those features which forbid approbation or even require censure, and, finally, to lay alike their frailties and their perfections to our own hearts, either as warning or as example.

Of the various European settlements upon this continent, which have finally merged in one independent nation, the first establishments were made at various times, by several nations, and under the influence of different motives. In many instances, the conviction of religious obligation formed one and a powerful inducement of the adventures; but in none, excepting the settlement at Plymouth, did they constitute the sole and exclusive actuating cause. Worldly interest and commercial speculation entered largely into the views of other settlers, but the commands of conscience were the only stimulus to the emigrants from Leyden. Previous to their expedition hither, they had endured a long banishment from their native country. Under every species of discouragement, they undertook the voyage; they performed it in spite of numerous and almost insuperable obstacles; they arrived upon a wil-

derness bound with frost and hoary with snow, without the boundaries of their charter, outcasts from all human society, and coasted five weeks together, in the dead of winter, on this tempestuous shore, exposed at once to the fury of the elements, to the arrows of the native savage, and to the impending horrors of famine.

Courage and perseverance have a magical talisman, before which difficulties disappear and obstacles vanish into air. These qualities have ever been displayed in their mightiest perfection, as attendants in the retinue of strong passions. From the first discovery of the Western Hemisphere by Columbus until the settlement of Virginia which immediately preceded that of Plymouth, the various adventurers from the ancient world had exhibited upon innumerable occasions that ardor of enterprise and that stubbornness of pursuit which set all danger at defiance, and chained the violence of nature at their feet. But they were all instigated by personal interests. Avarice and ambition had tuned their souls to that pitch of exaltation. Selfish passions were the parents of their heroism. It was reserved for the first settlers of New England to perform achievements equally arduous, to trample down obstructions equally formidable, to dispel dangers equally terrific, under the single inspiration of conscience. To them even liberty herself was but a subordinate and secondary consideration. They claimed exemption from the mandates of human authority, as militating with their subjection to a superior power. Before the voice of Heaven they silenced even the calls of their country.

Yet, while so deeply impressed with the sense of

religious obligation, they felt, in all its energy, the force of that tender tie which binds the heart of every virtuous man to his native land. It was to renew that connection with their country which had been severed by their compulsory expatriation, that they resolved to face all the hazards of a perilous navigation and all the labors of a toilsome distant settlement. Under the mild protection of the Batavian Government, they enjoyed already that freedom of religious worship, for which they had resigned so many comforts and enjoyments at home; but their hearts panted for a restoration to the bosom of their country. Invited and urged by the open-hearted and truly benevolent people who had given them an asylum from the persecution of their own kindred to form their settlement within the territories then under their jurisdiction, the love of their country predominated over every influence save that of conscience alone, and they preferred the precarious chance of relaxation from the bigoted rigor of the English Government to the certain liberality and alluring offers of the Hollanders. Observe, my countrymen, the generous patriotism, the cordial union of soul, the conscious yet unaffected vigor which beam in their application to the British monarch:

"They were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land. They were knit together in a strict and of the whole. It was not with them as with other and of the whole. It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves again at home."

Children of these exalted Pilgrims! Is there one among you who can hear the simple and pathetic energy of these expressions without tenderness and admiration? Venerated shades of our forefathers! No, ye were, indeed, not ordinary men! That country which had rejected you so cruelly from her bosom you still delighted to contemplate in the character of an affectionate and beloved mother. The sacred bond which knit you together was indissoluble while you lived; and oh, may it be to your descendants the example and the pledge of harmony to the latest period of time! The difficulties and dangers, which so often had defeated attempts of similar establishments, were unable to subdue souls tempered like yours. You heard the rigid interdictions; you saw the menacing forms of toil and danger, forbidding your access to this land of promise; but you heard without dismay; you saw and disdained retreat. Firm and undaunted in the confidence of that sacred bond; conscious of the purity, and convinced of the importance of your motives, you put your trust in the protecting shield of Providence, and smiled defiance at the combining terrors of human malice and of elemental strife. These, in the accomplishment of your undertaking, you were summoned to encounter in their most hideous forms; these you met with that fortitude, and combated with that perseverance, which you had promised in their anticipation; these you completely vanquished in establishing the foundations of New England, and the day which we now commemorate is the perpetual memorial of your triumph.

It were an occupation peculiarly pleasing to cull

from our early historians, and exhibit before you every detail of this transaction; to carry you in imagination on board their bark at the first moment of her arrival in the bay; to accompany Carver, Winslow, Bradford, and Standish, in all their excursions upon the desolate coast; to follow them into every rivulet and creek where they endeavored to find a firm footing, and to fix, with a pause of delight and exultation, the instant when the first of these heroic adventurers alighted on the spot where you, their descendants, now enjoy the glorious and happy reward of their labors. But in this grateful task, your former orators, on this anniversary, have anticipated all that the most ardent industry could collect, and gratified all that the most inquisitive curiosity could desire. To you, my friends, every occurrence of that momentous period is already familiar. A transient allusion to a few characteristic instances, which mark the peculiar history of the Plymouth settlers, may properly supply the place of a narrative, which, to this auditory, must be superfluous.

One of these remarkable incidents is the execution of that instrument of government by which they formed themselves into a body politic, the day after their arrival upon the coast, and previous to their first landing. This is, perhaps, the only instance in human history of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent, by all the individuals of the community, to the association by which they became a nation. It was the result of circumstances and discussions which had occurred during their passage from

Europe, and is a full demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation. The settlers of all the former European colonies had contented themselves with the powers conferred upon them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights and the rule of their duties. The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research. After twelve years of banishment from the land of their first allegiance, during which they had been under an adoptive and temporary subjection to another sovereign, they must naturally have been led to reflect upon the relative rights and duties of allegiance and subjection. They had resided in a city, the seat of a university, where the polemical and political controversies of the time were pursued with uncommon fervor. In this period they had witnessed the deadly struggle between the two parties, into which the people of the United Provinces, after their separation from the crown of Spain, had divided themselves. The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barnevelt were the temporal leaders of the same rival factions, of which Episcopius and Polyander were the ecclesiastical champions.

That the investigation of the fundamental principles of government was deeply implicated in these dissensions is evident from the immortal work of Grotius, upon the rights of war and peace, which undoubtedly

originated from them. Grotius himself had been a most distinguished actor and sufferer in those important scenes of internal convulsion, and his work was first published very shortly after the departure of our forefathers from Leyden. It is well known that in the course of the contest Mr. Robinson more than once appeared, with credit to himself, as a public disputant against Episcopius; and from the manner in which the fact is related by Governor Bradford, it is apparent that the whole English Church at Leyden took a zealous interest in the religious part of the controversy. As strangers in the land, it is presumable that they wisely and honorably avoided entangling themselves in the political contentions involved with it. Yet the theoretic principles, as they were drawn into discussion, could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among men, independent of positive institutions. The importance of these circumstances will not be duly weighed without taking into consideration the state of opinion then prevalent in England. The general principles of government were there little understood and less examined. The whole substance of human authority was centred in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution. Twenty years later, the subject was more industriously sifted, and for half a century became one of the principal topics of controversy between the ablest and most enlightened men in the nation. The instrument of voluntary association executed on board

the "Mayflower" testifies that the parties to it had anticipated the improvement of their nation.

Another incident, from which we may derive occasion for important reflections, was the attempt of these original settlers to establish among them that community of goods and of labor, which fanciful politicians, from the days of Plato to those of Rousseau, have recommended as the fundamental law of a perfect republic. This theory results, it must be acknowledged, from principles of reasoning most flattering to the human character. If industry, frugality, and disinterested integrity were alike the virtues of all, there would, apparently, be more of the social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole. Such is the basis upon which Plato forbids, in his Republic, the division of property. Such is the system upon which Rousseau pronounces the first man who inclosed a field with a fence, and said, "This is mine," a traitor to the human species. A wiser and more useful philosophy, however, directs us to consider man according to the nature in which he was formed; subject to infirmities, which no wisdom can remedy; to weaknesses, which no institution can strengthen; to vices, which no legislation can correct. Hence, it becomes obvious that separate property is the natural and indisputable right of separate exertion; that community of goods without community of toil is oppressive and unjust; that it counteracts the laws of nature, which prescribe that he only who sows the seed shall reap the harvest; that it discourages all energy, by destroying its rewards; and makes the most

virtuous and active members of society the slaves and drudges of the worst. Such was the issue of this experiment among our forefathers, and the same event demonstrated the error of the system in the elder settlement of Virginia. Let us cherish that spirit of harmony which prompted our forefathers to make the attempt, under circumstances more favorable to its success than, perhaps, ever occurred upon earth. Let us no less admire the candor with which they relinquished it, upon discovering its irremediable inefficacy. To found principles of government upon too advantageous an estimate of the human character is an error of inexperience, the source of which is so amiable that it is impossible to censure it with severity. We have seen the same mistake committed in our own age, and upon a larger theatre. Happily for our ancestors, their situation allowed them to repair it before its effects had proved destructive. They had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes until they should be extinguished in torrents of blood.

As the attempt to establish among themselves the community of goods was a seal of that sacred bond which knit them so closely together, so the conduct they observed toward the natives of the country displays their steadfast adherence to the rules of justice and their faithful attachment to those of benevolence and charity.

No European settlement ever formed upon this continent has been more distinguished for undeviating kindness and equity toward the savages. There are, indeed, moralists who have questioned the right of the

Europeans to intrude upon the possessions of the aboriginals in any case, and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greater part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world? Shall he forbid the wilderness to blossom like a rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and to rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations,

roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in the front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands. Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation. The Pilgrims of Plymouth obtained their right of possession to the territory on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognized their allegiance to the government of Britain, and in process of time received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country shortly before their arrival. The territory, thus free from all exclusive possession, they might have taken by the natural right of occupancy. Desirous, however, of giving ample satisfaction to every pretence of prior right, by formal and solemn conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase. At their hands the children of the desert had no cause of complaint. On the great day of retribution, what thousands, what millions of the American race will appear at the bar of judgment to arraign their European invading conquerors! Let us humbly hope that the fathers of the Plymouth Colony will then appear in

the whiteness of innocence. Let us indulge in the belief that they will not only be free from all accusation of injustice to these unfortunate sons of nature, but that the testimonials of their acts of kindness and benevolence toward them will plead the cause of their virtues, as they are now authenticated by the record of history upon earth.

Religious discord has lost her sting; the cumbrous weapons of theological warfare are antiquated; the field of politics supplies the alchemists of our times with materials of more fatal explosion, and the butchers of mankind no longer travel to another world for instruments of cruelty and destruction. Our age is too enlightened to contend upon topics which concern only the interests of eternity; the men who hold in proper contempt all controversies about trifles, except such as inflame their own passions, have made it a commonplace censure against your ancestors, that their zeal was enkindled by subjects of trivial importance; and that however aggrieved by the intolerance of others, they were alike intolerant themselves. Against these objections, your candid judgment will not require an unqualified justification; but your respect and gratitude for the founders of the State may boldly claim an ample apology. The original grounds of their separation from the Church of England were not objects of a magnitude to dissolve the bonds of communion, much less those of charity, between Christian brethren of the same essential principles. Some of them, however, were not inconsiderable, and numerous inducements concurred to give them an extraordinary interest in their eyes. When that portentous system

of abuses, the Papal dominion, was overturned, a great variety of religious sects arose in its stead in the several countries, which for many centuries before had been screwed beneath its subjection. The fabric of the Reformation, first undertaken in England upon a contracted basis, by a capricious and sanguinary tyrant, had been successively overthrown and restored, renewed and altered, according to the varying humors and principles of four successive monarchs. To ascertain the precise point of division between the genuine institutions of Christianity and the corruptions accumulated upon them in the progress of fifteen centuries, was found a task of extreme difficulty throughout the Christian world.

Men of the profoundest learning, of the sublimest genius, and of the purest integrity, after devoting their lives to the research, finally differed in their ideas upon many great points, both of doctrine and discipline. The main question, it was admitted on all hands, most intimately concerned the highest interests of man, both temporal and eternal. Can we wonder that men who felt their happiness here and their hopes of hereafter, their worldly welfare and the kingdom of heaven at stake, should sometimes attach an importance beyond their intrinsic weight to collateral points of controversy, connected with the all-involving object of the Reformation? The changes in the forms and principles of religious worship were introduced and regulated in England by the hand of public authority. But that hand had not been uniform or steady in its operations. During the persecutions inflicted in the interval of Popish restoration under the reign of Mary,

upon all who favored the Reformation, many of the most zealous reformers had been compelled to fly their country. While residing on the continent of Europe, they had adopted the principles of the most complete and rigorous reformation, as taught and established by Calvin. On returning afterward to their native country, they were dissatisfied with the partial reformation, at which, as they conceived, the English establishment had rested; and claiming the privilege of private conscience, upon which alone any departure from the Church of Rome could be justified, they insisted upon the right of adhering to the system of their own preference, and, of course, upon that of non-conformity to the establishment prescribed by the royal authority. The only means used to convince them of error and reclaim them from dissent was force, and force served but to confirm the opposition it was meant to suppress. By driving the founders of the Plymouth Colony into exile, it constrained them to absolute separation from the Church of England; and by the refusal afterward to allow them a positive toleration, even in this American wilderness, the council of James I. rendered that separation irreconcilable. Viewing their religious liberties here, as held only by sufferance, yet bound to them by all the ties of conviction, and by all their sufferings for them, could they forbear to look upon every dissenter among themselves with a jealous eye? Within two years after their landing, they beheld a rival settlement attempted in their immediate neighborhood; and not long after, the laws of self-preservation compelled them to break up a nest of revellers, who boasted of protection from

the mother country, and who had recurred to the easy but pernicious resource of feeding their wanton idleness, by furnishing the savages with the means, the skill, and the instruments of European destruction. Toleration, in that instance, would have been self-murder, and many other examples might be alleged, in which their necessary measures of self-defence have been exaggerated into cruelty, and their most indispensable precautions distorted into persecution. Yet shall we not pretend that they were exempt from the common laws of mortality, or entirely free from all the errors of their age. Their zeal might sometimes be too ardent, but it was always sincere. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights. While we rejoice that the principles of genuine Christianity have so far triumphed over the prejudices of a former generation, let us fervently hope for the day when it will prove equally victorious over the malignant passions of our own.

In thus calling your attention to some of the peculiar features in the principles, the character, and the history of our forefathers, it is as wide from my design, as I know it would be from your approbation, to adorn their memory with a chaplet plucked from the domain of others. The occasion and the day are more peculiarly devoted to them, and let it never be dishonored with a contracted and exclusive spirit. Our affections as citizens embrace the whole extent of the Union, and the names of Raleigh, Smith, Winthrop, Calvert, Penn and Oglethorpe excite in our minds

recollections equally pleasing and gratitude equally fervent with those of Carver and Bradford. Two centuries have not yet elapsed since the first European foot touched the soil which now constitutes the American Union. Two centuries more and our numbers must exceed those of Europe itself. The destinies of this empire, as they appear in prospect before us, disdain the powers of human calculation. Yet, as the original founder of the Roman State is said once to have lifted upon his shoulders the fame and fortunes of all his posterity, so let us never forget that the glory and greatness of all our descendants is in our hands. Preserve in all their purity, refine, if possible, from all their alloy, those virtues which we this day commemorate as the ornament of our forefathers. Adhere to them with inflexible resolution, as to the horns of the altar; instil them with unwearied perseverance into the minds of your children; bind your souls and theirs to the national Union as the chords of life are centred in the heart, and you shall soar with rapid and steady wing to the summit of human glory. Nearly a century ago, one of those rare minds to whom it is given to discern future greatness in its seminal principles, upon contemplating the situation of this continent, pronounced, in a vein of poetic inspiration, "Westward the star of empire takes its way." Let us unite in ardent supplication to the Founder of nations and the Builder of worlds, that what then was prophecy may continue unfolding into history—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

LAFAYETTE.

DELIVERED IN CONGRESS, DECEMBER 31, 1834.

On the 6th of September, 1757, Lafayette was born. The kings of France and Britain were seated upon their thrones by virtue of the principle of hereditary succession, variously modified and blended with different forms of religious faith, and they were waging war against each other, and exhausting the blood and treasure of their people for causes in which neither of the nations had any beneficial or lawful interest.

In this war the father of Lafayette fell in the cause of his king but not of his country. He was an officer of an invading army, the instrument of his sovereign's wanton ambition and lust of conquest. The people of the electorate of Hanover had done no wrong to him or to his country. When his son came to an age capable of understanding the irreparable loss that he had suffered, and to reflect upon the causes of his father's fate, there was no drop of consolation mingled in the cup from the consideration that he had died for his country. And when the youthful mind was awakened to meditation upon the rights of mankind, the principles of freedom, and theories of government, it cannot be difficult to perceive in the illustrations of his own family records the source of that aversion to hereditary rule, perhaps the most distinguishing feature of his own political opinions, and to which he adhered through all the vicissitudes of his life. . . .

Lafayette was born a subject of the most absolute and most splendid monarchy of Europe, and in the highest rank of her proud and chivalrous nobility. He had been educated at a college of the University of Paris, founded by the royal munificence of Louis XIV., or Cardinal Richelieu. Left an orphan in early childhood, with the inheritance of a princely fortune, he had been married at sixteen years of age, to a daughter of the House of Noailles, the most distinguished family of the kingdom, scarcely deemed in public consideration inferior to that which wore the crown. He came into active life, at the change from boy to man, a husband and a father, in the full enjoyment of everything that avarice could covet, with a certain prospect before him of all that ambition could crave. Happy in his domestic affections, incapable from the benignity of his nature, of envy, hatred, or revenge, a life of "ignoble ease and indolent repose" seemed to be that which nature and fortune had combined to prepare before him. To men of ordinary mold this condition would have led to a life of luxurious apathy and sensual indulgence. Such was the life into which from the operation of the same causes, Louis XV. had sunk, with his household and court, while Lafayette was rising to manhood surrounded by the contamination of their example. Had his natural endowments been even of the higher and nobler order of such as adhere to virue, even in the lap of prosperity, and in the bosom of temptation, he might have lived and died a pattern of the nobility of France, to be classed, in aftertimes, with the Turennes and the Montausiers of the age of Louis XIV., or with the Villars or the

Lamoignons of the age immediately preceding his own.

But as, in the firmament of heaven that rolls over our heads, there is, among the stars of the first magnitude, one so pre-eminent in splendor as, in the opinion of astronomers, to constitute a class by itself, so in the fourteen hundred years of the French monarchy, among the multitudes of great and mighty men which it has evolved, the name of Lafayette stands unrivalled in the solitude of glory.

In entering upon the threshold of life, a career was to open before him. He had the option of the court and the camp. An office was tendered to him in the household of the king's brother, the Count de Provence, since successively a royal exile and a reinstated king. The servitude and inaction of a court had no charms for him; he preferred a commission in the army, and, at the time of the Declaration of Independence, was a captain of dragoons in garrison at Metz.

There, at an entertainment given by his relative, the Marechal de Broglie, the commandant of the place, to the Duke of Gloucester, brother to the British king, and then a transient traveller through that part of France, he learns, as an incident of intelligence received that morning by the English prince from London, that the congress of rebels at Philadelphia had issued a Declaration of Independence. A conversation ensues upon the causes which have contributed to produce this event, and upon the consequences which may be expected to flow from it. The imagination of Lafayette has caught across the Atlantic tide the spark emitted from the Declaration of Independence; his

heart has kindled at the shock, and, before he slumbers upon his pillow, he has resolved to devote his life and fortune to the cause.

You have before you the cause and the man. The self-devotion of Lafayette was twofold. First to the people, maintaining a bold and seemingly desperate struggle against oppression, and for national existence. Secondly, and chiefly, to the principles of their declaration, which then first unfurled before his eyes the consecrated standard of human rights. To that standard, without an instant of hesitation, he repaired. Where it would lead him, it is scarcely probable that he himself then foresaw. It was then identical with the Stars and Stripes of the American Union, floating to the breeze from the Hall of Independence, at Philadelphia. Nor sordid avarice, nor vulgar ambition, could point his footsteps to the pathway leading to that banner. To the love of ease or pleasure nothing could be more repulsive. Something may be allowed to the beatings of the youthful breast, which make ambition, virtue, and something to the spirit of military adventure, imbibed from his profession, and which he felt in common with many others. France, Germany, Poland, furnished to the armies of this Union, in our revolutionary struggle, no inconsiderable number of officers of high rank and distinguished merit. The names of Pulaski and De Kalb are numbered among the martyrs of our freedom, and their ashes repose in our soil side by side with the canonized bones of Warren and of Montgomery. To the virtues of Lafayette, a more protracted career and happier earthly destinies were reserved. To the moral principle

of political action, the sacrifices of no other man were comparable to his. Youth, health, fortune; the favor of his king; the enjoyment of ease and pleasure; even the choicest blessings of domestic felicity—he gave them all for toil and danger in a distant land, and an almost hopeless cause; but it was the cause of justice, and of the rights of humankind. . . .

Pronounce him one of the first men of his age, and you have not yet done him justice. Try him by that test to which he sought in vain to stimulate the vulgar and selfish spirit of Napoleon; class him among the men who, to compare and seat themselves, must take in the compass of all ages; turn back your eyes upon the records of time, summon from the creation of the world to this day the mighty dead of every age and every clime—and where, among the race of merely mortal men, shall one be found who, as the benefactor of his kind, shall claim to take precedence of Lafayette?

There have doubtless been, in all ages, men whose discoveries or inventions, in the world of matter or of mind, have opened new avenues to the dominion of man over the material creation; have increased his means or his faculties of enjoyment; have raised him in nearer approximation to that higher and happier condition, the object of his hopes and aspirations in his present state of existence.

Lafayette discovered no new principle of politics or of morals. He invented nothing in science. He disclosed no new phenomenon in the laws of nature. Born and educated in the highest order of feudal nobility, under the most absolute monarchy of Europe,

in possession of an affluent fortune, and master of himself and of all his capabilities, at the moment of attaining manhood the principle of republican justice and of social equality took possession of his heart, and mind, as if by inspiration from above. He devoted himself, his life, his fortune, his hereditary honors, his towering ambition, his splendid hopes, all to the cause of liberty. He came to another hemisphere to defend her. He became one of the most effective champions of our independence; but, that once achieved, he returned to his own country, and thenceforward took no part in the controversies which have divided us. In the events of our revolution, and in the forms of policy which we have adopted for the establishment and perpetuation of our freedom, Lafayette found the most perfect form of government. He wished to add nothing to it. He would gladly have abstracted nothing from it. Instead of the imaginary republic of Plato, or the Utopia of Sir Thomas More, he took a practical existing model, in actual operation here, and never attempted or wished more than to apply it faithfully to his own country.

It was not given to Moses to enter the promised land; but he saw it from the summit of Pisgah. It was not given to Lafayette to witness the consummation of his wishes in the establishment of a republic and the extinction of all hereditary rule in France. His principles were in advance of the age and hemisphere in which he lived. A Bourbon still reigns on the throne of France, and it is not for us to scrutinize the title by which he reigns. The principles of elective and hereditary power, blended in reluctant union

in his person, like the red and white roses of York and Lancaster, may postpone to aftertime the last conflict to which they must ultimately come. The life of the patriarch was not long enough for the development of his whole political system. Its final accomplishment is in the womb of time.

The anticipation of this event is the more certain, from the consideration that all the principles for which Lafayette contended were practical. He never indulged himself in wild and fanciful speculations. The principle of hereditary power was, in his opinion, the bane of all republican liberty in Europe. Unable to extinguish it in the Revolution of 1830, so far as concerned the chief magistracy of the nation, Lafayette had the satisfaction of seeing it abolished with reference to the peerage. A hereditary crown, stripped of the support which it may derive from a hereditary peerage, however compatible with Asiatic despotism, is an anomaly in the history of the Christian world, and in the theory of free government. There is no argument producible against the existence of a hereditary peerage but applies with aggravated weight against the transmission, from sire to son, of a hereditary crown. The prejudices and passions of the people of France rejected the principle of inherited power, in every station of public trust, excepting the first and highest of them all; but there they clung to it, as did the Israelites of old to the savory deities of Egypt.

This is not the time nor the place for disquisition upon the comparative merits, as a system of government, of a republic, and a monarchy surrounded by republican institutions. Upon this subject there is

among us no diversity of opinion; and if it should take the people of France another half century of internal and external war, of dazzling and delusive glories, of unparalleled triumphs, humiliating reverses, and bitter disappointments, to settle it to their satisfaction, the ultimate result can only bring them to the point where we have stood from the day of the Declaration of Independence—to the point where Lafayette would have brought them, and to which he looked as a consummation devoutly to be wished.

Then, too, and then only, will be the time when the character of Lafayette will be appreciated at its true value throughout the civilized world. When the principle of hereditary dominion shall be extinguished in all the institutions of France; when government shall no longer be considered as property transmissible from sire to son, but as a trust committed for a limited time, and then to return to the people whence it came; as a burdensome duty to be discharged, and not as a reward to be abused; when a claim, any claim, to political power by inheritance shall, in the estimation of the whole French people, be held as it now is by the whole people of the North American Union—then will be the time for contemplating the character of Lafayette, not merely in the events of his life, but in the full development of his intellectual conceptions, of his fervent aspirations, of the labors and perils and sacrifices of his long and eventful career upon earth; and thenceforward, till the hour when the trump of the Archangel shall sound to announce that Time shall be no more, the name of Lafayette shall stand enrolled upon the annals of our race, high on the list of the pure and disinterested benefactors of mankind.

THE JUBILEE OF THE CONSTITUTION.

DELIVERED AT NEW YORK, APRIL 30, 1839.

Fellow-Citizens and Brethren, Associates of the New York Historical Society:

WOULD it be an unlicensed trespass of the imagination to conceive that on the night preceding the day of which you now commemorate the fiftieth anniversary—on the night preceding that thirtieth of April, 1789, when from the balcony of your city hall the chancellor of the State of New York administered to George Washington the solemn oath faithfully to execute the office of President of the United States, and to the best of his ability to preserve, protect, and defend the Constitution of the United States—that in the visions of the night the guardian angel of the Father of our Country had appeared before him, in the venerated form of his mother, and, to cheer and encourage him in the performance of the momentous and solemn duties that he was about to assume, had delivered to him a suit of celestial armor—a helmet, consisting of the principles of piety, of justice, of honor, of benevolence, with which from his earliest infancy he had hitherto walked through life, in the presence of all his brethren; a spear, studded with the self-evident truths of the Declaration of Independence; a sword, the same with which he had led the armies of his country through the war of freedom to the summit of the triumphal arch of independence;

a corselet and cuishes of long experience and habitual intercourse in peace and war with the world of mankind, his contemporaries of the human race, in all their stages of civilization; and, last of all, the Constitution of the United States, a shield, embossed by heavenly hands with the future history of his country?

Yes, gentlemen, on that shield the Constitution of the United States was sculptured (by forms unseen, and in characters then invisible to mortal eye), the predestined and prophetic history of the one confederated people of the North American Union.

They had been the settlers of thirteen separate and distinct English colonies, along the margin of the shore of the North American Continent; contiguously situated, but chartered by adventurers of characters variously diversified, including sectarians, religious and political, of all the classes which for the two preceding centuries had agitated and divided the people of the British islands—and with them were intermingled the descendants of Hollanders, Swedes, Germans, and French fugitives from the persecution of the revoker of the edict of Nantes.

In the bosoms of this people, thus heterogeneously composed, there was burning, kindled at different furnaces, but all furnaces of affliction, one clear, steady flame of liberty. Bold and daring enterprise, stubborn endurance of privation, unflinching intrepidity in facing danger, and inflexible adherence to conscientious principle, had steeled to energetic and unyielding hardihood the characters of the primitive settlers of all these colonies. Since that time two or three

generations of men had passed away, but they had increased and multiplied with unexampled rapidity; and the land itself had been the recent theatre of a ferocious and bloody seven years' war between the two most powerful and most civilized nations of Europe contending for the possession of this continent.

Of that strife the victorious combatant had been Britain. She had conquered the provinces of France. She had expelled her rival totally from the continent, over which, bounding herself by the Mississippi, she was henceforth to hold divided empire only with Spain. She had acquired undisputed control over the Indian tribes still tenanting the forests unexplored by the European man. She had established an uncontested monopoly of the commerce of all her colonies. But forgetting all the warnings of preceding ages—forgetting the lessons written in the blood of her own children, through centuries of departed time—she undertook to tax the people of the colonies without their consent.

Resistance, instantaneous, unconcerted, sympathetic, inflexible, resistance, like an electric shock, startled and roused the people of all the English colonies on this continent.

This was the first signal of the North American Union. The struggle was for chartered rights—for English liberties—for the cause of Algernon Sidney and John Hampden—for trial by jury—the Habeas Corpus and Magna Charta.

But the English lawyers had decided that Parliament was omnipotent—and Parliament, in its omnipotence, instead of trial by jury and the Habeas Cor-

pus, enacted admiralty courts in England to try Americans for offences charged against them as committed in America; instead of the privileges of Magna Charta, nullified the charter itself of Massachusetts Bay; shut up the port of Boston; sent armies and navies to keep the peace and teach the colonies that John Hampden was a rebel and Algernon Sidney a traitor.

English liberties had failed them. From the omnipotence of Parliament the colonists appealed to the rights of man and the omnipotence of the God of battles. Union! Union! was the instinctive and simultaneous cry throughout the land. Their Congress, assembled at Philadelphia, once—twice—had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for the rights of Englishmen—in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance, and address. . . .

The dissolution of allegiance to the British crown, the severance of the colonies from the British empire, and their actual existence as independent States, were definitively established in fact, by war and peace. The independence of each separate State had never been declared of right. It never existed in fact. Upon the principles of the Declaration of Independence, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government, are all acts of transcendent authority, which the people alone are competent to perform; and accord-

ingly, it is in the name and by the authority of the people, that two of these acts—the dissolution of allegiance, with the severance from the British Empire, and the declaration of the United Colonies, as free and independent States—were performed by that instrument.

But there still remained the last and crowning act, which the people of the Union alone were competent to perform—the institution of civil government, for that compound nation, the United States of America.

At this day it cannot but strike us as extraordinary, that it does not appear to have occurred to any one member of that assembly which had laid down in terms so clear, so explicit, so unequivocal, the foundation of all just government, in the imprescriptible rights of man, and the transcendent sovereignty of the people, and who in those principles had set forth their only personal vindication from the charges of rebellion against their king, and of treason to their country, that their last crowning act was still to be performed upon the same principles. That is, the institution, by the people of the United States, of a civil government, to guard and protect and defend them all. On the contrary, that same assembly which issued the Declaration of Independence, instead of continuing to act in the name and by the authority of the good people of the United States, had, immediately after the appointment of the committee to prepare the Declaration, appointed another committee, of one member from each colony, to prepare and digest the form of confederation to be entered into between the colonies.

That committee reported on the twelfth of July, eight days after the Declaration of Independence had been issued, a draft of articles of confederation between the colonies. This draft was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it, having been superseded by a new election of delegates from that State eight days after his draft was reported.

There was thus no congeniality of principle between the Declaration of Independence and the Articles of Confederation. The foundation of the former was a superintending Providence—the rights of man, and the constituent revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or dis-united States. The fabric of the Declaration and that of the Confederation were each consistent with its own foundation, but they could not form one consistent symmetrical edifice. They were the productions of different minds and of adverse passions; one, ascending for the foundation of human government to the laws of nature and of God, written upon the heart of man; the other, resting upon the basis of human institutions, and prescriptive law, and colonial charter. The cornerstone of the one was right, that of the other was power. . . .

Where, then, did each State get the sovereignty, freedom, and independence, which the Articles of Confederation declare it retains?—not from the whole people of the whole Union—not from the Declaration of Independence—not from the people of the State

itself. It was assumed by agreement between the Legislatures of the several States, and their delegates in Congress, without authority from or consultation of the people at all.

In the Declaration of Independence, the enacting and constituent party dispensing and delegating sovereign power is the whole people of the United Colonies. The recipient party, invested with power, is the United Colonies, declared United States.

In the Articles of Confederation, this order of agency is inverted. Each State is the constituent and enacting party, and the United States in Congress assembled the recipient of delegated power—and that power delegated with such a penurious and carking hand that it had more the aspect of a revocation of the Declaration of Independence than an instrument to carry it into effect.

None of these indispensably necessary powers were ever conferred by the State Legislatures upon the Congress of the federation; and well was it that they never were. The system itself was radically defective. Its incurable disease was an apostasy from the principles of the Declaration of Independence. A substitution of separate State sovereignties, in the place of the constituent sovereignty of the people, was the basis of the Confederate Union.

In the Congress of the Confederation, the master minds of James Madison and Alexander Hamilton were constantly engaged through the closing years of the Revolutionary War and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the capa-

city of Secretary to the Congress for Foreign Affairs. The incompetency of the Articles of Confederation for the mangement of the affairs of the Union at home and abroad was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the public debt; over the disappointed hopes of the friends of freedom; in the language of the address from Congress to the States of the eighteenth of April, 1783—"The pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence at Mount Vernon, in March, 1785, the first idea was started of a revisal of the Articles of Confederation, by an organization, of means differing from that of a compact between the State Legislatures and their own delegates in Congress. A convention of delegates from the State Legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the object for which this assembly was to be convened. In January, 1786, the proposal was made and adopted in the Legislature of Virginia, and communicated to the other State Legislatures.

The Convention was held at Annapolis, in September of that year. It was attended by delegates

from only five of the central States, who, on comparing their restricted powers with the glaring and universally acknowledged defects of the Confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia, in May, 1787, from all the States, and with enlarged powers.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign States to the constituent sovereignty of the people; from power to right—from the irresponsible despotism of State sovereignty to the self-evident truths of the Declaration of Independence. In that instrument the right to institute and to alter governments among men was ascribed exclusively to the people—the ends of government were declared to be to secure the natural rights of man; and that when the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people to dissolve this degenerate government and to institute another. The signers of the Declaration further averred, that the one people of the United Colonies were then precisely in that situation—with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God to dissolve that Government and to institute another. Then, in the name and by the authority of the good people of the colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of

Great Britain—and declared the United Colonies independent States. And her as the representatives of the one people they had stopped. They did not require the confirmation of this act, for the power to make the declaration had already been conferred upon them by the people delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government, and State sovereignty had usurped the constituent sovereignty of the people.

The Convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the State Legislatures. But they had the Articles of Confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no State government, no combination of them, was by the principles of the Declaration of Independence competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of States, proposed, as a substitute for the Constitution, a mere revival of the Articles of Confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and

of the sanction of the people to the delegation of powers happily prevailed. A constitution for the people, and the distribution of legislative, executive, and judicial powers was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the Convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal until sanctioned by the Confederation Congress, by the State Legislatures, and by the people of the several States, in conventions specially assembled, by authority of their Legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work commenced by the Declaration of Independence—a work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe had achieved the most transcendent act of power that social man in his mortal condition can perform—even that of dissolving the ties of allegiance by which he is bound to his country; of renouncing that country itself; of demolishing its government; of instituting another government; and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary—on that thirtieth day of April, 1789—was this mighty revolution, not only in the affairs of our own country, but in the principles of government over civilized man, accomplished.

The Revolution itself was a work of thirteen years—and had never been completed until that day. The

Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government, then new in practice, though not as a theory, for it had been working itself into the mind of man for many ages, and had been especially expounded in the writings of Locke, though it had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths—who deny the natural equality and inalienable rights of man—who deny that the people are the only legitimate source of power—who deny that all just powers of government are derived from the consent of the governed. Neither your time, nor perhaps the cheerful nature of this occasion, permit me here to enter upon the examination of this anti-revolutionary theory, which arrays State sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly immoral and dishonest doctrine of despotic State sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says, it is not in me. The Constitution says, it is not in me.

Jackson, Andrew, a famous American soldier, seventh President of the United States, born at Waxhaw, S. C., in 1767; died at Nashville, June 8, 1845. His early education was irregular in character, but he studied law at a later period and was admitted to the bar, beginning practice in Nashville. He was one of the framers of the constitution of Tennessee and represented that State in Congress. In the second war with England he received a major-general's commission in the regular army, and on January 8, 1815, he defeated the English army in the closing engagement of the war. He was afterwards prominent in the war with the Seminole Indians in Florida, and in 1821 was made military governor of Florida Territory. In 1828 Jackson was the successful candidate for the Presidency, and four years later received a re-election. He had a stormy career as Chief Magistrate, but was extremely popular with the masses of the people. His speeches and addresses were usually characterized by a rough but often effective kind of eloquence.

STATE RIGHTS AND FEDERAL SOVEREIGNTY.

SECOND INAUGURAL ADDRESS, DELIVERED MARCH 4, 1833.

Fellow-Citizens:

THE will of the American people expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expres-

sion of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude.

It shall be displayed to the extent of my humble abilities in continued efforts so to administer the government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the general government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our government soon after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during my administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the general government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the general government. But of equal, and, indeed, of incalculable importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished

to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our Federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States.

Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time it will be my aim to inculcate by my official acts the necessity of exercising by the general government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable government and Union to the confidence and affections of the American people.

Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has

kept us in his hands from the infancy of our Republic to the present day, that he will so overrule all my intentions and actions and inspire the hearts of my fellow citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

JACKSON'S FAREWELL ADDRESS.

FELLOW CITIZENS,—Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors.

But I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honor you have heaped upon me; and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraved upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will at least see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war with each other, and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy and under the disadvantages which a new and untried government must

always feel when it is called to put forth its whole strength without the lights of experience to guide it or the weight of precedent to justify its measures. But we have passed triumphantly through all these difficulties. Our constitution is no longer a doubtful experiment; and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us; and if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement, by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to

preserve the blessing of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited and, I trust, a temporary exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who framed it; and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the union was earnestly pressed upon his fellow citizens by the Father of his Country in his farewell address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust

the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations as one of the means which might disturb our union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since that imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom

of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal

divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and be determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition, and if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they bear as citizens of this great republic,—if these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty States armed for mutual aggressions, loaded with taxes to pay armies and leaders; seeking aid

against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and, when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlaw-

ful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country be arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the

hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and, therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns ac-

cording to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of that measure proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens in every quarter of our country are capable of attaining a high degree of

prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot be always allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national. . . .

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as

well as her extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to prevent cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships of weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our military armed, we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice

honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day there never have been thirteen millions of people associated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you, as the guardians of freedom, to preserve it for the benefit of the human race. May he who holds in his hands the destinies of nations make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of

time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

Clinton, De Witt, an American statesman and orator, born at Little Britain, N. Y., March 2, 1769; died at Albany, N. Y., Feb. 11, 1828. He was United States Senator from his State in 1802; mayor of New York City, 1803-07, 1809-10, 1811-15; governor, 1817-23, and 1825-28. His greatest accomplishment was the inception and the carrying forward to completion of the Erie Canal. He was a general favorite with the people of New York State, and popular as an orator on public occasions.

PHI BETA KAPPA ADDRESS.

DELIVERED AT SCHENECTADY, JULY 22, 1823.

MR. PRESIDENT AND GENTLEMEN OF THE SOCIETY,—In accepting the honor of your renewed invitations to appear at this place, I have not been insensible of your kind preference; and when you were pleased to intimate that the deep interest of science in exhibitions of this nature might be promoted by my co-operation I considered it my imperative duty to yield a cheerful compliance.

When I endeavor to enforce those considerations which ought to operate upon us generally as men, and particularly as Americans, to attend to the cultivation of knowledge, you will not, I am persuaded, expect that I shall act the holiday orator or attempt an ambitious parade, an ostentatious display, or a gaudy exhibition, which would neither suit the character of the society, the disposition of the speaker, the solemnity of the place, or the importance of the occasion.

What I say shall come strictly within the purview of the institution, shall be comprised in the language

of unvarnished truth, and shall be directed with an exclusive view to advance the interests of literature. I shall not step aside to embellish or to dazzle, to cull a flower or to collect a gem. Truth, like beauty, needs not the aid of ornament, and the cause of knowledge requires no factitious assistance, for it stands on its own merits, supporting and supported by the primary interests of society, and deriving its effulgent light from the radiations of heaven.

Man without cultivation differs but little from the animals which resemble him in form. His ideas would be few and glimmering, and his meaning would be conveyed by signs or by confused sounds. His food would be acorn or locust, his habitation the cave, his pillow the rock, his bed the leaves of the forest, his clothes the skins of wild beasts.

Destitute of accommodations he would roam at large seeking for food and evincing in all his actions that the state of untutored nature is a state of war. If we cast our eyes over the pages of history, or view the existing state of the world, we will find that this description is not exaggerated or overcharged. Many nations are in a condition still more deplorable and debased, sunk to the level of brutes, and neither in the appearance of their bodies or in the character of their minds bearing a resemblance to civilized humanity. Others are somewhat more advanced, and begin to feel the dayspring from on high, while those that have been acclimated to virtue and naturalized to intelligence have passed through a severe course of experiments and a long ordeal of sufferings.

Almost all the calamities of man, except the physi-

cal evils which are inherent in his nature, are in a great measure to be imputed to erroneous views of religion or bad systems of government; and these cannot be co-existent for any considerable time with an extensive diffusion of knowledge. Either the predominance of intelligence will destroy the government, or the government will destroy it. Either it will extirpate superstition and enthusiasm, or they will contaminate its purity and prostrate its usefulness. Knowledge is the cause as well as the effect of good government.

No system of government can answer the benign purposes of the social combinations of man which is not predicated on liberty, and no creed of religion can sustain unsullied purity or support its high destination which is mingled with the corruptions of human government.

Christianity is, in its essence, its doctrines, and its forms, republican. It teaches our descent from a common parent; it inculcates the natural equality of mankind; and it points to our origin and our ends, to our nativity and our graves, and to our immortal destinies, as illustrations of this impressive truth. But at an early period it was pressed into the service of the potentates of the earth; the unnatural union of church and state was consummated; and the sceptre of Constantine was supported by the cross of Jesus. The light of knowledge was shut out from the general mass and confined to the selected organs of tyranny; and man was for ages enveloped in the thickest gloom of intellectual and moral darkness.

At the present crisis in human affairs, we perceive

a great and portentous contest between power and liberty—between the monarchical and the representative systems. The agonies and convulsions of resuscitating nature have agitated the nations, and before they are restored to their rights and the world to its repose, the hand of famine, the scythe of pestilence, and the sword of depopulation will fill up the measure of human calamity.

The present state of the world exhibits an extraordinary aspect. In former times it was the policy of the sovereign to encourage eminent merit in literature, science, and the arts. The glory that was radiated on intellectual excellence was reflected back on the government; but these dispensations of munificence were confined to the Aristotles, the Virgils, and the Plinies of the age. The body of the people were kept in a state of profound ignorance, and considered as the *profanum vulgus*, to be employed as hewers of wood and drawers of water, and to be used as beasts of burden or of prey as the policy or the caprice of the despot should prescribe.

The revolution effected by the invention of printing has created a corps of literary men in the cities, the universities, the academies, the lyceums, and the philosophical societies of the most arbitrary governments of Europe, which have exercised an influence over public opinion almost irresistible. Man is the creature of imitation and sympathy; and however callous the sovereign might be to public opinion, yet it predominated over his ministers, who in reality wielded the sceptre. The consequence was that a more extensive diffusion of knowledge was promoted, and the

blessings of instruction visited the cottage as well as the palace. Monitorial schools and religious societies were generally established, and the sunshine of mental and moral illumination penetrated the darkness which covered the nations.

To know our rights is to assert them. The principles of the American Revolution became the text-book of liberty, and its practical commentaries are to be read in the events now occurring in various parts of the globe. Greece has unfurled the holy standard of liberty, and waves it in defiance over the crescent of Mahomet. Spanish America is breaking the chains of tyranny. Spain and Portugal have drawn the sword in vindication of the rights of man. Public opinion is operating with magic influence in Great Britain in favor of the oppressed nations; and the result will show that the physical strength of Europe must follow the train of its moral power.

It is in vain to say that the people now in commotion are unfit for free government. Conceding the fact, it avails nothing in the argument. The human character is principally molded by knowledge, religion, freedom, and government.

The free states of Greece exhibited different aspects of mind, of manners, and of morals. But we no longer remark, as a distinguishing characteristic, the ethereal spirit of the Athenian, the pastoral simplicity of the Arcadian, the stupidity of the Bœotian or the laconic brevity of the Spartan. The sweeping hand of despotism has confounded in one mass all the delicate coloring, the lights and shades of the picture.

In revolutionary times great talents and great vir-

tues, as well as great vices and great follies, spring into being. The energies of our nature are put into requisition, and during the whirlwind and the tempest innumerable evils will be perpetrated. But all the transient mischiefs of revolutions are mild when compared with the permanent calamities of arbitrary power. The one is a sweeping deluge, an awful tornado, which quickly passes away; but the other is a volcano continually ejecting rivers of lava—an earthquake burying whole countries in ruins. The alleged inaptitude of man for liberty is the effect of the oppressions which he has suffered; and until a free government can shed its propitious influence over time—until, perhaps, a new generation has risen up under the new order of things, with new habits and new principles, society will be in a state of agitation and mutation, faction will be lord of the ascendant, and frenzy and fury, denunciation and proscription, will be the order of the day.

The dilemma is inevitable. Either the happiness of the many or the predominance of the few must be sacrificed. The flame of liberty and the light of knowledge emanate from the same sacred fire and subsist on the same aliment: and the seeds of instruction, widely disseminated, will, like the serpent's teeth in the Pagan mythology, that were sown into the earth, rise up against oppression in the shape of the iron men of Cadmus. In such a cause who can hesitate to make an election?

The factions and convulsions of free governments are not so sanguinary in character, or terrific in effects, as the animosities and intestine wars of monarch-

ies, about the succession—the insurrections of the military—the proscriptions of the priesthood, and the cruelties of the administration. The spirit of a republic is the friend, and the genius of a monarchy is the enemy, of peace. The potentates of the earth have, for centuries back, maintained large standing armies, and on the most frivolous pretexts have created havoc and desolation.

And when we compare the world as it is under arbitrary power with the world as it was under free republics, what an awful contrast does it exhibit? What a solemn lesson does it inculcate! The ministers of famine and pestilence, of death and destruction, have formed the van and brought up the rear of despotic authority. The monuments of the arts—the fabrics of genius and skill, and the sublime erections of piety and science, have been prostrated in the dust; and the places where Demosthenes and Cicero spoke, where Homer and Virgil sang, and where Plato and Aristotle taught, are now exhibited as mementos of the perishable nature of human glory.

The forum of Rome is converted into a market for cattle; the sacred fountain of Castalia is surrounded, not by the muses and the graces, but by the semi-barbarous girls of Albania; the laurel groves, and the deified heights of Parnassus, are the asylum of banditti; Babylon can only be traced by its bricks; the sands of the desert have overwhelmed the splendid city of Palmyra, and are daily encroaching on the fertile territories of the Nile; and the malaria has driven man from the fairest portions of Italy and pursued him to the very gates of the Eternal City.

Considerations like these announce to us in the most impressive manner the importance of our position in the civilized world and the necessity of maintaining it. The reciprocal action of knowledge and free government on each other, partake in some measure of the character of identity; for wherever liberty is firmly established knowledge must be a necessary concomitant. And if we desire to occupy this exalted ground—if we wish to improve, to extend, and to perpetuate the blessings of freedom, it is essential, absolutely essential, to improve, to extend, and to perpetuate the blessings of education. Let us not deceive ourselves by the delusions of overweening confidence and the chimeras of impregnable security, and fondly suppose that we are to rise superior to the calamities of other nations. Our climate is salubrious, and we are free from pestilence; our soil is fertile, and famine is a stranger; our character is pacific, and war is a rare occurrence; but if we only suppose a relaxation of the sinews of industry, and the presence of a tiger-like thirst for human blood, then the consequent neglect of productive industry and the vast accumulation of taxes would drain the resources of individuals and impoverish the public treasury; and plague and famine, poverty and depopulation, would follow in the train of pre-existing calamities. Nor is it to be concealed that dangers of the most formidable nature may assail us from other sources—some peculiar to our situation, and others that are common to all free states.

Faction and luxury, the love of money and the love of power, were the hydra-headed monsters that destroyed the ancient republics. At the time that the

Roman commonwealth was overturned all ranks of men were so corrupted that tables were publicly set out, upon which the candidates for offices were professedly ready to pay the people the price of their votes; and they came not only to give their voices to the man who had bought them, but with all manner of weapons to fight for him.

Hence it often happened that they did not part without polluting the tribunal with blood and murder, and the city was a perpetual scene of anarchy. The justice of heaven pursued the perpetrators of these enormites, anid Rome was scourged with a series of the most detestable tyrants that ever disgraced the character of humanity. Although corruption will not at first present itself under such hideous forms, yet its approaches will be insidious, undermining, and dangerous. It will appeal to cupidity and to ambition by magnificent promises and by donatives of office, if not by largesses of money.

Good men are to often lethargic and inactive; bad men are generally bold and adventurous. And unless arrested by the vigilant intelligence and virtuous indignation of the community, faction will, in process of time, contaminate all the sources of public prosperity; a deleterious poison will be infused into the vital principles of the body politic; intrigue, ignorance, and impudence will be the passports to public honors; and the question will be, not whether the man is fit for the office, but whether the office is fit for the man.

In this crisis of the republic its degenerate and unprincipled sons will unite in a common crusade against the public good, and will encircle the land with a cor-

don of corrupt and daring spirits, like the peccant humors of the body, which, in a dangerous disease, collect in the morbid part of the system.

There are also peculiar circumstances in our situation which ought to silence high-toned arrogance and admonish us of the dangers which surround us. The experiment of a great empire founded on the federative principle has not been fully tested by the efflux of time and the pressure of events. The ancient democracies, where the people legislated in person, were ruined by the smallness of their area. The impulses of faction were sudden, unchecked, and overwhelming.

An extensive republic like ours may be destroyed by a conspiracy of the members against the head, or the power of government may be spent as it extends, like a circle in the water, which is lost by its own expansion. And an apprehension of this occurrence may induce the establishment of standing armies in the extremities of the empire, which, as in the days of ancient Rome, will rush to the capital to divide the spoils of power and wealth. Nor is it to be concealed that a spirit is active in the community which tends to the destruction of the Union and the consequent subversion of the best hopes of man. It may be considered as giving too much in to refinement, to intimate that the sectional prejudices which prevail in certain parts of the Union may be derived from hereditary antipathies and feelings; and that as the eastern States were chiefly settled by the Puritans or Roundheads of England, and the principal southern States by the Cavaliers or Royalists, a diversity of manners was entailed on their progeny which has tended to increase and ex-

asperate the ancient animosities that were at the same time transmitted.

I shall not, although I should be fortified by the great names of Aristotle, Bacon, Berkeley, Buffon, and Montesquieu, rely on the operation of physical causes, although perhaps they are not without their influence. It was the opinion of the Stagyrite that the climate of Greece was the best possible one for the production of great men. The Greeks, said he, hold a middle place, in physical and moral qualities, as well as topographical situation, between the northern Europeans and the southern Asiatics, possessing the courage of the former without their torpor of intellect, and the ingenuity of the latter without their abject disposition.

Lord Bacon has observed that the inhabitants of the South are in general more ingenious than those of the North; but that where the native of a cold climate has genius he rises to a higher pitch than can be realized by the southern wits. And Bishop Berkeley has illustrated this opinion by comparing the southern wits to cucumbers, which are commonly all good in their kind, but at best are an insipid fruit, while the northern geniuses are like melons, of which not one in fifty is good, but when it is so, it has an exquisite relish. However pertinent this doctrine may be, where it was intended to apply, it can have but little weight in reference to us. The difference of latitude and temperature is not so great as to produce the predicated results; and so far as facts can be ascertained they will not bear out the ascription.

It is probable that the causes so much to be deprecated come under the denomination of moral, and are

to be found in slavery; for wherever it prevails it generates an anti-commercial and anti-manufacturing spirit; and at the same time, it produces a lofty sense of independence which is among the strongest preservatives of our republican governments. In the other States, where commerce and manufactures are cultivated as well as agriculture, there is no real collision of interest with the States purely agricultural.

There is, on the contrary, an identity; and although the prosperity of each is the prosperity of all, yet jealousies will spring out of legislative encouragement and protection of these great interests. To encourage the fabrics of art is to encourage the fabrics of nature; to protect manufactures is to advance the growth of the raw materials of which they are made; to countenance commerce is to countenance cheapness of transportation and goodness of market; and to promote the wealth of any member or section of the Union is to enhance its ability to use the fabrics and to consume the productions of the other. The growing expansion of liberal feelings, and the illuminating progress of political philosophy, have had a salutary tendency in checking prejudices and antipathies which have too much prevailed. But, little to our honor, I speak it with regret, they have been recently excited by a contest of equestrian swiftness.

In the Olympic games, where enlightened Greece assembled, where Homer recited his poem and Thucydides his history, the laureled crown, the "*palma nobilis*," was awarded to the man, not to the beast; but the late display reminds us of the degenerate days of Rome, when a horse was raised to the honors of the

consulship; and of the Prasini and the Veneti, the green and blue factions, which arose from those colors of livery in horse-races, and which accelerated, if not occasioned, the ruin of the Greek empire.

The necessity of counteracting the tendency of all human institutions to debasement, of guarding with efficacious circumspection against the advances of anarchy and tyranny, and of preventing the evils to which we are peculiarly exposed from expanded territory and geographical prejudices, must be obvious; and for this purpose it is essential to attend with increased zeal to the great interests of education, and to promote with unrelaxed fervor the sacred cause of science. Education includes moral as well as intellectual culture, the georgics of the heart as well as of the head; and we must emphatically look up to a general diffusion of knowledge as the palladium of a free government, the guarantee of the representative system, and the ægis of our federative existence.

Is it necessary, on this occasion, to show the important connection between science and all the arts which contribute to the sustenance, the accommodation, and the embellishment of human life? The analytic researches of chemistry have opened to us a knowledge of the constituent parts of soils, minerals, vegetables, and other substances, and have developed their useful application. From the first conception of the propulsion of vessels by steam by the Marquis of Worcester, to its consummation by Fultón, how slow was the progress—how difficult the accomplishment! And this could never have been effected had it not received the aids of chemical discovery, of mathematical calcula-

tion, and of mechanical philosophy. All that relates to the economy of labor by machinery—to the facilitation of intercourse by canals and bridges—to naval, civil, and military architecture—to the improvement of agriculture—to the advancement of the mechanic arts—must be derived, directly or indirectly, from scientific research.

It is an ordinance of heaven that man must be employed or be unhappy. Mental or corporeal labor is the destination of his nature; and when he ceases to be active he ceases to be useful and descends to the level of vegetable life. And certainly those pursuits which call into activity his intellectual powers must contribute most to his felicity, his dignity, and his usefulness. The vigorous direction of an active mind to the accomplishment of good objects forms its most ecstatic delights. "Hæc studia adolescentiam alunt, senectutem oblectant, secundas res ornant, adversis perfugium ac solatium præbent, delectant domi, non impediunt foris, pernoctant nobiscum, peregrinantur, rusticantur." *

The honor and glory of a nation consist in the illustrious achievements of its sons in the cabinet and the field, in the science and learning which compose the knowledge of man, in the arts and inventions which administer to his accommodation, and in the virtues which exalt his character. Scarcely two centuries have elapsed since the settlement of these United

* These studies nourish youth, delight old age, adorn prosperity, furnish a refuge and solace in adversity, are a pleasure at home, and no drawdack abroad; they pass the nights with us, travel with us, live in the country, with us.

States, and in that period we have seen a Washington, a Henry, a Franklin, a Rittenhouse, and a Fulton—the most splendid names in war, in eloquence, in philosophy, in astronomy, and in mechanics, which the world has ever witnessed.

The congress of patriots who proclaimed our independence in the face of an admiring world and in the the view of approving heaven have descended, with three exceptions, to the grave; and in this illustrious band were comprised more virtue and wisdom, and patriotism and energy, than in any association of ancient or modern times. I might proceed, and pronounce a eulogium on our savants who have illustrated philosophy and the exact sciences—on our literati, who have explored the depths and ascended the heights of knowledge—on our poets, who have strung the lyre of Apollo—on our painters, who have combined the sublime and the beautiful in the graphic art—on our statesmen, who have taught the ways and means of establishing the greatest happiness of the greatest number; and on our theologians, who have vindicated the ways of God to man. But I forbear. . . .

Let us then be vigilant and active in the great and holy cause of knowledge. The field of glory stretches before you in wide expanse. Untrodden heights and unknown lands surround you. Waste not, however, your energies on subjects of a frivolous nature, of useless curiosity, or impracticable attainment. Books have been multiplied to designate the writer of Junius—the Man in the Iron Mask has exercised the inquisitorial attention of Europe—and perpetual motion, the

philosopher's stone, and the immortal elixir, have destroyed the lives and fortunes of thousands.

Genuine philosophy has sometimes its aberrations, and, like the Spartan king or Roman emperor, mingles in the amusements of children. The sceptre of science is too often surrounded by toys and baubles, and even Linnæus condescended to amuse his fancy with the creation of vegetable dials and oriental pearls. Innovation without improvement, and experiments without discoveries, are the rocks on which ingenuity is too often shipwrecked.

"*Omne ignotum pro magnifico*,"* said the profound historian of Rome.† Wonder is the child of ignorance, and vanity the offspring of imbecility. Let us be astonished at nothing but our own apathy, and cease to be vain even of our virtues. The fragrance of the humble lily of the valley, and of the retiring eglantine of the woods, is more grateful to genuine taste than the expressed odor of the queen of flowers, or the most costly products of the chemical alembic.

In our literary pursuits let us equally reject a blind credulity that believes every fable, and a universal pyrrhonism that repudiates all truths—a canine appetite, which devours everything, however light, and digests nothing, however alimentary—and a fastidious taste, which delights not in the nutritious viand, but seeks its gratification in the aromatic desert.

The waters of ancient learning ought to be drunk at the fountain head in preference to the streams. We are too prone to rely on references, quotations, abridgments and translations. The consequence is, that the

*"Everythingunknown is exaggerated." †Tacitus.

meaning of the original frequently reaches us in a perverted or erroneous shape; its ethereal spirit evaporates by a change of conveyance, and we lose our acquaintance with the learned languages.

A fault equally common and more humiliating is an idolatrous veneration for the literary men of Europe. This intellectual vassalage has been visited by high-toned arrogance and malignant vituperation. Harmless indeed is the calumny, and it recoils from the object like the javelin thrown by the feeble hand of old Priam; but it ought to combine with other inducements to encourage a vernacular literature and to cause us to bestow our patronage upon more meritorious works of our own country.

We have writers of genius and erudition who form a respectable profession. Some have ascended the empyreal heights of poesy and have gathered the laurel wreaths of genius; others have trodden the enchanted ground of fictitious narrative and have been honored by the tears of beauty and the smiles of virtue. While several have unfolded the principles of science, literature, philosophy, jurisprudence, and theology, and have exalted the intellectual glory of America, let us cherish the hope that some at least will devote their faculties to improve those arts and sciences on which the substantial interests of our country so greatly depend.

I refer particularly to agriculture, civil engineering, and naval architecture. Let us also trust that some vigorous minds will apply their powers to the illustration of our history. It has been said, with more point than truth, that the annals of modern colonies afford

but two memorable events—the foundation, and the separation from the parent country.

If this observation had been so qualified as to refer to those occurrences as the most memorable, not as the only memorable events, it would undoubtedly have been correct. The colonial history of New York, although imperfectly executed and brought down only to 1732, is fertile of instruction and replete with interest. The translations of the erudite Vanderkemp, and the collections of the Historical Society of New York, have furnished the most ample materials; and whenever it is given to the world by a master-hand it will be a complete refutation of the remark which I have quoted. Is it too much to say that we have no good history of the United States, and that the best account of our independence is written by Botta, an Italian?

At this moment a respectable mechanic of the city of London is collecting materials for writing our history. He is favorably noticed by distinguished members of Parliament; and although his mind has not been disciplined by a liberal education, yet its productions display vigorous and cultivated powers. Let this stimulate us to similar and animated exertions, and let not our writers despair of ultimate success, even if their efforts are attended with partial failures.

Experience certainly brightens the vista of futurity; but they must expect that their fate will be determined sooner or later by intrinsic merit. Those writings that emit no effulgence and communicate no information will fall still-born from the press and plunge at once into the abyss of obscurity. Others again will dazzle

as they glide rapidly over the literary horizon and be seen no more. Some, after basking in the meridian sunshine, will gradually undergo a temporary eclipse; but time will dispense justice and restore their original splendor.

> "So sinks the day-star in the ocean's bed,
> And yet anon repairs his drooping head,
> And tricks his beams, and with new-spangled ore,
> Flames in the forehead of the morning sky." *

A fortunate few are always in the full blaze of sublime glory. They are the phœnixes of the age, the elect of genius, and the favorites of nature and of heaven.

There is nothing "under heaven's wide hollowness" † which does not furnish aliment for the mind. All that we observe by the organs of sense, and all that we perceive by the operations of the understanding—all that we contemplate in retrospect, at the present, or in the future, may be compounded or decomposed in the intellectual laboratory, for beneficial purposes.

The active mind is always vigilant, always observing. The original images which are created by a vivid imagination, the useful ideas which are called up by memory, and the vigorous advances of the reasoning power into the regions of disquisition and investigation, furnish full employment for the most powerful mind, and after it is fully stored with all the productions of knowledge, then the intellect has to employ its most important functions in digesting and arrang-

* Milton. † Spenser.

ing the vast and splendid materials. And if there be anything in this world which can administer pure delight, it is when we summon our intellectual resources, rally our mental powers, and proceed to the investigation of a subject distinguished for its importance and complexity, and its influence on the destinies of man.

If science were to assume a visible form, like the fabled muses of the ancient mythology, all men would be ready to exclaim with the poet—

> —"her angel's face,
> As the great eye of heaven shined bright,
> And made a sunshine in a shady place;
> Did never mortal eye behold such heavenly grace."

But, alas! it is a blessing not without its alloy. Its sedentary occupations and its severe exercises of the mind impair the health, and hypochondria, the Promethean vulture of the student, poisons for a time all the sources of enjoyment. Add to this the tortures of hope deferred and of expectation disappointed. After nights without sleep, and days without repose, in the pursuit of a favorite investigation; after tasking the mind and stretching all its faculties to the utmost extent of exertion,—when the golden vision of approaching fame dazzles the eye in the distance, and the hand is extended to taste the fruit and to reap the harvest, the airy castles, the gorgeous palaces of the imagination, vanish like enchanted ground and disappear like the baseless fabric of a vision.

From such perversities of fortune the sunshine of comfort may, however, be extracted. In the failure of

a scientific investigation collateral discoveries of great moment have been made. And as an eminent philosopher * has well remarked, "What succeeds, pleaseth more, but what succeeds not, many times informs no less." And in the worst position the mind is improved, sharpened, expanded, brightened, and strengthened by the process which it has undergone and the elaborations which it has experienced.

> "We must not then expect
> A perpetual feast of nectar'd sweets
> Where no crude surfeit reigns." †

But we may confidently pronounce that a cornucopia of blessings will attend the diffusion of knowledge—that it will have an electrifying effect on all the sources of individual happiness and public prosperity—that glory will follow in the train of its felicitous cultivation, and that the public esteem, in perennial dispensation, will crown its votaries.

This State enjoys a temperate climate and fruitful soil, and, situate between the Great Lakes on the north and west, and the ocean on the south and east, ought always to be the seat of plenty and salubrity. It requires nothing but the enlightened evolution of its faculties and resources to realize the beau-ideal of perfection: and the co-operation of man with the bounty of Providence will render it a terrestrial paradise. And this must be effected through the agency of intellectual operating on physical exertion.

In this grand career of mind, in this potent effort of science, in this illustrious display of patriotism, con-

* Bacon. † Milton.

tributions will flow in from all quarters. The humble mite will be acceptable as well as the golden talent. And the discriminating, perspicacious, and comprehensive eye of intellect will find—

> "Tongues in trees; books in the running brooks;
> Sermons in stones; and good in everything." *

Indeed, the very ground on which we stand affords topics for important consideration and useful application. This city was among the earliest seats of European settlement. It was at the head of a great portage, reaching from the termination of the navigable waters of the west to the head waters of the Hudson. It was the great entrepôt of the valuable trade in furs and peltries, and the thoroughfare of commercial adventures, of scientific explorations, and of military expeditions. In 1690 it was destroyed by an irruption of French and Indians—the lives of many of its inhabitants were saved as it were by a special interposition of Providence.

And the sympathizing and pathetic speech of the faithful Mohawks on that melancholy occasion may be ranked among the most splendid effusions of oratory.† The alluvial lands of the river, rich as the soil formed by the overflowings of the Nile, were the principal residence of that ferocious and martial race, the true old heads of the Iroquois—a confederacy which carried terror, havoc, and desolation from the Gulf of St. Lawrence to the Gulf of Mexico, and which aspired to universal empire over the savage nations. How astonished would that people be if they could be sum-

* Shakespeare. † Golden's "History of the Five Nations."

moned to life, to witness the flowing of the waters of the west through this place, seeking in a navigable shape a new route to the Atlantic Ocean, carrying on their bosom the congregated products of nature and art, and spreading as they proceed, wealth and prosperity.

All alluvial ground formed by streams emanating from a distance and reinforced in their transit by auxiliary waters must be fertile not only in soil, but abundant in the various productions of the vegetable kingdom. The germs of plants will be transported from remote quarters; and the gorges and ravines, formed in many places by intersecting streams, will not only protect particular spots from the ravages of the plow, but open the treasures of the mineral kingdom by the profound excavations of the water and the transportation of distant fossils. Here, then, is a proper region for interesting discovery. Strange trees now flourish on the banks of the river, many a flower is born to blush unseen, and many a curious production has never undergone scientific scrutiny.

Here has been established a great seminary of education which in less than thirty years has risen to an extraordinary altitude of excellence; which unites the ardor of youthful enthusiasm with the wisdom of experienced longevity and the celebrity of confirmed usefulness; and which, by an able diffusion of the light of knowledge and a dexterous management of the helm of government, has already produced scholars who adorn and illumine the walks of science and literature, the pursuits of professional life, and the councils of our country.

In this vicinity flourished Sir William Johnson, one of the extraordinary characters of our colonial history. He settled near the banks of the Mohawk, and from humble beginnings he acquired great celebrity,—particularly in war,—immense wealth, and the favor of his sovereign. Auspicious events in concurrence with a paramount influence over the Indians, and great energy of character, laid the foundation and erected the superstructure of his fortunes.

In this place lived and died that eminent servant of God, the Rev. Dr. Romeyn, the fragrance of whose virtues is still cherished in your hearts and felt in your lives. His venerable form, his dignified deportment, his eye beaming goodness, and his voice uttering wisdom, are still fresh in your minds; so impressive is the power of combined virtue and intelligence. Dr. Dwight, the greatest theologian of the age, has pronounced his eulogium; and it remains for biography to perform its functions and to fill up the outlines so ably drawn by one of the most acute observers and profound thinkers which our country has produced.

Finally, whatever may be our thoughts, our words, our writings, or our actions, let them all be subservient to the promotion of science and the prosperity of our country. Pleasure is a shadow, wealth is vanity, and power a pageant; but knowledge is ecstatic in enjoyment, perennial in fame, unlimited in space, and infinite in duration. In the performance of its sacred offices it fears no danger, spares no expense, omits no exertion. It scales the mountain, looks into the volcano, dives into the ocean, perforates the earth, wings its flight into the skies, encircles the globe, explores

sea and land, contemplates the distant, examines the minute, comprehends the great, and ascends to the sublime. No place too remote for its grasp; no heavens too exalted for its reach. "Its seat is the bosom of God; its voice the harmony of the world. All things in heaven and earth do it homage, the very least as feeling its care, and the greatest as not exempt from its power. Both angels and men and creatures, of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring it as the parent of peace and happiness."*

* Hooker.

Tecumseh, a Shawnee Indian chief, famous for his oratory, born near Springfield, Ohio, about 1770; died at the Battle of the Thames, in Canada, October 5, 1813. He came into notice in 1795 in a frontier campaign, and ten years later attempted to unite the western Indians in a plot against the whites, but was defeated by General Harrison at the Battle of Tippecanoe. In the second war with England he allied himself with the English. Tecumseh's eloquence was of an etremely fervid, passionate type, as may be perceived in his noted Speech at Vincennes.

SPEECH AT VINCENNES.

It is true I am a Shawnee. My forefathers were warriors. Their son is a warrior. From them I take only my existence; from my tribe I take nothing. I am the maker of my own fortune; and oh! that I could make that of my red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the universe. I would not then come to Governor Harrison to ask him to tear the treaty and to obliterate the landmark; but I would say to him, Sir, you have liberty to return to your own country. The being within, communing with past ages, tells me that once, nor until lately, there was no white man on this continent; that it then all belonged to red men, children of the same parents, placed on it by the Great Spirit that made them, to keep it, to traverse it, to enjoy its productions, and to fill it with the same race, once a happy race, since made miserable by the white people, who are never contented, but always encroaching. The way, and the only way,

to check and to stop this evil, is for all the red men to unite in claiming a common and equal right in the land, as it was at first, and should be yet; for it never was divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers; those who want all, and will not do with less.

The white people have no right to take the land from the Indians, because they had it first; it is theirs. They may sell, but all must join. Any sale not made by all is not valid. The late sale is bad. It was made by a party only. Part do not know how to sell. It requires all to make a bargain for all. All red men have equal rights to the unoccupied land. The right of occupancy is as good in one place as in another. There cannot be two occupations in the same place. The first excludes all others. It is not so in hunting or travelling; for there the same ground will serve many, as they may follow each other all day; but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins which he has thrown upon the ground; and till he leaves it no other has a right.

SPEECH TO GENERAL PROCTOR.

[The following speech, "in the name of the Indian chiefs and warriors to Major-General Proctor, as the representative of their Great Father, the King," is supposed to have been delivered a short time prior to the battle of the Thames, October 5, 1813.]

FATHER, listen to your children! you have them now all before you. The war before this our British father gave the hatchet to his red children, when old

chiefs were alive They are now dead. In that war our father was thrown on his back by the Americans, and our father took them by the hand without our knowledge; and we are afraid that our father will do so again at this time.

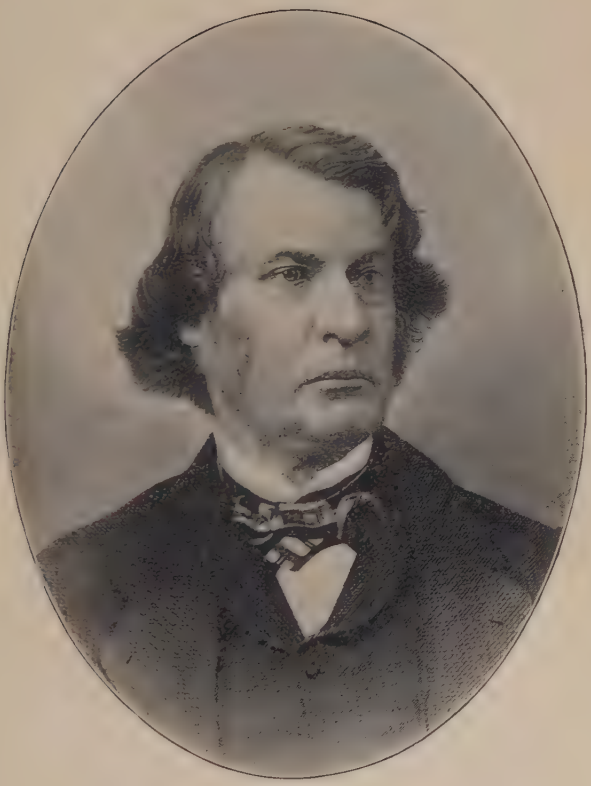
Summer before last, when I came forward with my red brethren and was ready to take up the hatchet in favor of our British father, we were told not to be in a hurry, that he had not yet determined to fight the Americans.

Listen! When war was declared our father stood up and gave us the tomahawk, and told us that he was ready to strike the Americans; that he wanted our assistance, and that he would certainly get us our lands back, which the Americans had taken from us.

Listen! You told us, at that time, to bring forward our families to this place, and we did so; and you promised to take care of them, and that they should want for nothing while the men would go and fight the enemy. That we need not trouble ourselves about the enemy's garrisons; that we knew nothing about them, and that our father would attend to that part of the business. You also told your red children that you would take good care of your garrison here, which made our hearts glad.

Listen! When we were last at the Rapids, it is true we gave you little assistance. It is hard to fight people who live like ground-hogs.

Father, listen! Our fleet has gone out; we know they have fought; we have heard the great guns; but know nothing of what has happened to our father with one arm. Our ships have gone one way, and we are



CHARLES SUMNER.

much astonished to see our father tying up everything and preparing to run away the other, without letting his red children know what his intentions are. You always told us to remain here and take care of our lands. It made our hearts glad to hear that was your wish. Our great father, the King, is the head, and you represent him. You always told us that you would never draw your foot off British ground; but now, father, we see you are drawing back, and we are sorry to see our father doing so without seeing the enemy. We must compare our father's conduct to a fat animal that carries its tail upon its back, but when affrighted it drops it between its legs and runs off.

Listen, father! The Americans have not yet defeated us by land; neither are we sure that they have done so by water—we therefore wish to remain here and fight our enemy should they make their appearance. If they defeat us, we will then retreat with our father.

At the battle of the Rapids, last war, the Americans certainly defeated us; and when we retreated to our father's fort in that place the gates were shut against us. We were afraid that it would now be the case, but instead of that we now see our British father preparing to march out of his garrison.

Father! You have got the arms and ammunition which our great father sent for his red children. If you have an idea of going away, give them to us, and you may go and welcome, for us. Our lives are in the hands of the Great Spirit. We are determined to defend our lands, and if it is his will we wish to leave our bones upon them.

Burges, Tristam, an American orator and jurist, born at Rochester, Mass., February 26, 1770; died in Providence, R. I., October 13, 1853. He entered the Rhode Island Legislature in 1811 as a strong Federalist, and in 1815 was appointed Chief Justice of Rhode Island. From 1815 to 1825 he was professor of oratory at Brown University, and in the year last named he was elected to Congress, where he served ten years continuously. He was already well known as an orator of much power, but his scathing reply to John Randolph in Congress made him immediately famous. Randolph made no attempt to answer his terrible opponent, but leaving the House of Representatives in haste, he never spoke there afterward. After his Congressional career was over Burges resumed the practice of the law in Providence.

REBUKE TO RANDOLPH.

[A subject was now under discussion, of vital importance to the Union—the tariff. Mr. Burges having observed, in the course of an argument on the amendment to the bill then under consideration, that there was a disposition among some gentlemen to support British interests, in preference to American, Mr. Randolph rose and interrupted him, saying, "This hatred of aliens, sir, is the undecayed spirit which called forth the proposition to enact the Alien and Sedition Law: I advise the gentleman from Rhode Island to move a re-enactment of those laws, to prevent the impudent foreigner from rivalling the American seller. New England, —what is she? Sir, do you remember that appropriate exclamation,—'*Delenda est Carthago?*'"]

Does the gentleman mean to say, sir, New England must be destroyed? If so, I will remind him that the fall of Carthage was the precursor of the fall of Rome. Permit me to suggest to him to carry out the parallel. Further, sir, I wish it to be distinctly under-

stood that I am not bound by any rules to argue against Bedlam, but when I hear anything rational in the hallucinations of the gentleman I will answer them.

[The Speaker interposed, and Mr. Burges resumed his seat, saying, "Perhaps it is better, sir, that I should not go on." The next day he continued his speech on the proposed amendment. He embraced this opportunity to refute the assertion made by Mr. Randolph a few days previous in his remarks on the same subject.]

This attempt to destroy all, yes, all protection of New England labor, skill, and capital, has, by the gentleman from Virginia [Mr. Randolph], being justified by a public declaration made by him, in his place on this floor, that the whole capital of New England originated in a robbery; a robbery committed more than forty years ago, and committed, too, on the officers and soldiers of the revolutionary army. If it were a fact, what punishment is due to those who perpetrated the felony? If by force, the gallows; if by fraud, the loss of ears, and the pillory. If it be not true, what is merited by him who has, knowing all the truth, made the accusation? The punishment, sir, he merits, which would have alighted on him in that community where it was first enacted: "Thou shalt not bear false witness against thy neighbor." What was that? *Lex talionis*, "an eye for an eye." He who would, by false accusation, peril the life or limb of another, did thereby place his own life and limbs in the same jeopardy. Let judgment pass to another audit.

"Nor what to oblivion better were resigned,
Be hung on high to poison half mankind."

In the Revolutionary war all who were Whigs and patriots, all who were not Tories and enemies to their country, contended for the independence of the United States, and united their whole means in the public service. When the war was finished, balances were due, some more, some less, to the several States. Balances were also due to many individuals who had furnished supplies. To the army a debt of gratitude was due which the world has not wealth enough to pay, and the United States owed them, moreover, a great amount of arrears of pay, for subsistence, and for depreciation of that currency in which they had for several years of the war received their wages. To all the soldiers who had continued in service from 1780 until the army was disbanded, a bounty was due; and all the officers who had served from the same date until the same period were entitled to receive half the amount of their monthly pay during the whole term of their natural lives.

In lieu of this half pay, Congress, after the close of the war, promised to pay all such officers five years' full pay in hand, in money or security, bearing a yearly interest of six per cent. So soon as it could be effected, all those several creditors received from the United States, by officers for that purpose by Congress appointed, certain certificates of the several sums due to each individual creditor. These certificates were issued, in the different States, to the creditors of the United States, belonging to such States; and

were payable to the person or States to whom the same were due; or to bearer, on demand, with interest. These certificates were the evidences of the amount of the domestic debt of the United States to each of the States and to each individual in such States. They drew interest by their tenor, and were payable on demand to whomsoever might be the bearer of them. They were, and were intended to be, a circulating medium. Had the United States been in funds for the payment of them, or of the interest, the medium would, in the absence of gold and silver, as was then the condition of the United States, have been equal to that currency. It would have been equal to the present United States bank paper, or to the United States stocks. The nation was without funds and then utterly insolvent. This medium, like the emissions of Continental paper bills, fell much below par.

It nevertheless continued to circulate, and was, as Continental bills had been before they become of no value, a medium of exchange. Men went to market with it, as with other paper bills with which they had been accustomed to go to market. The medium had a market value, as well known, though much below it, as the market value of silver and gold. Like the old Continental or the treasury notes of the last war, or the bank paper, at that period, of all the banks in the country, excepting New England, it passed from hand to hand by delivery: being payable to bearer, no written transfer was required, and, the market value being generally known, every person who passed it away, and every man who received it, knew at what price it was so passed, and governed

himself accordingly. If one man owed for goods received, or wished to purchase goods at the market, to the amount of one hundred dollars, and these certificates, then a circulating medium, were at fifty cents for a dollar, he sent two hundred dollars to his creditor or to the market. If they were at twenty-five cents he sent four hundred dollars; if at twelve and a half cents, eight hundred dollars.

This, sir, constituted the greater part of the buying and selling done in the market. What color had the gentleman to call such a transaction robbery? Was it less fair and honest than dealing in any other medium? —in Continental bills, while they were current?—in treasury notes, twenty per cent. below par, as they were in the last war?—in the depreciated paper of any established—legally established—bank? Are not all of this description of paper subjected to this difficulty at different distances from the office of discount and payment?

Why, the whole paper medium of the world is at a discount at any commercially calculated distance from the place of payment, unless prevented by the accidents of trade. When I am at Providence, is not a note, bill, or bond of any stock payable in Providence worth more to me than if payable at Boston, or New York, or Philadelphia, or Baltimore, unless I want money at either of these cities? This, sir, creates an exchange, and puts all the paper credit at a discount or a premium in the whole commercial world. Is it a felony to deal in it, because depreciated or appreciated? No: not, sir, if you pay the market value for it.

These two circumstances, distance of the place of

payment, and the uncertainty of the solvency of the debtor,—the one or the other, and often both,—place all that part of the circulating medium of the world at some rate of discount, and render almost all exchanges a kind of barter, to be managed by a price current, and not by a money transaction. Even gold and silver vary in exchangeable value, and it is only the minor operations of trade which are governed by entire reference to the standard of coin, either gold or silver. These two solid mediums have an exchange, one against the other, and, in all great transactions, must be governed, not by the laws of the mint, but by those of commerce, bargain, and convention.

What medium, then, shall he use? What shall be done by the gentleman too pure to deal in any depreciating medium? What shall be done when his hard-money system utterly, in principle, fails him? Turn anchorite. Deal only in bacon, beans, and tobacco. Here, too, the curse of commerce will meet him; and the want of an eternal standard value, by the changing market value of his glorious staples, will leave him to the necessary bargaining and higgling of trade, like any mere honest man of the world.

Is it robbery, sir, is it robbery, to deal in anything depreciated in market value below its original cost? May we not buy that to-day which cost less than it would yesterday? Then, sir, whatever falls in price must forever remain unsold, unused, unransomed, and perish on the hands of the first producer. The pressure of want must never recall retiring demand by a

diminution of price; but all who did not, because they could not sell at the top of the market, must never sell at any other grade; and all who did not buy, because they could not, at the most costly price, are condemned to perish for want of goods which are perishing for want of purchasers. This, then, is the hard-money government of the gentleman from Virginia.

The revolutionary soldiers passed off their certificates at the market because they had no other means of purchase; and those in New England who had bread, meat, drink, and clothing received these certificates at the market value because they could get no better medium for payment. These certificates found the readiest market and the best price among those people who had most regard for their country and most confidence in public faith and public justice. Men who knew that the United States were insolvent, as all did, and believed them to be knaves, as some did, would not touch a certificate sooner than a Continental dollar, worth then not one cent. Men who were patriots, and honest themselves, and had the best reason (a good conscience of their own) to think other men so, would not leave the soldier to perish because he had nothing to pay for his bread but the proof of his services, and the plighted faith of a nation of patriots and heroes. Was this, sir, robbery?—felony against the valor which, steeped in blood, had won this country?

Then, sir, the purest deeds are profligacy, things sacred are profane, and demons shall riot in the spoils of redemption. It is true the disbanded army received nowhere relief so readily as in New England.

Virginia, as the gentleman says, did not receive their depreciated money. Not because Virginia had not other paper money to give for it. That the soldiers did not want. All paper money was alike to them. They had been ruined by it. Their own certificates—the price of their scars and unclosed wounds—were in their hands,—the best paper money then in circulation. They wanted bread. Virginia was then the land of corn; the very Egypt of the United States. They did not buy. They chose to keep their wheat in their storehouses rather than put soldiers' depreciated certificates, a kind of old Continental money, as they said, in their pockets. With Washington, like the pious patriarch preaching righteousness to antediluvian sinners, even with him preaching patriotism and public faith, they would not believe—not barter bread and relieve hunger—no, not of a soldier—for any such consideration.

When this government was established; when this nation redeemed their high pledges by funding and providing for that medium which patriots alone had with that hope received, or patriotic soldiers who were able to do so had retained, then public justice did—as future mercy will do—reward all who, with faith in her high integrity, had fed the hungry and clothed the naked.

Here is the deep fountain of the gentleman's abounding anathema against New England. They began the Revolution; they relieved the army who conquered the colonies from the European nation, and gave the American people their independence; they received from this government, by the funding

system, the recompense of their patriotism and public onfidence. These are injuries too high to be forgiven by one who has no goods but others' ills—no evils but others' goods.

"This government," says the gentleman, "was by the constitution made a hard-money government because that constitution gave them the power to 'coin money.'"

New England has made it a paper-money, cotton-spinning government. New England, sir, although not entitled to the honor of having introduced the banking system, is yet entitled to the credit of never having departed from the principles of that system by refusing to redeem her bills with silver or gold. The government, by establishing the funding system, established the great banking principle in the country. All these sons of Mammon, who look on gold and silver as the only true riches, will regard as the enemies of all righteousness all those prudent statesmen who consider money as merely the great circulating machine in the production of their country. It therefore becomes highly important to furnish so necessary and costly a machine at the least practicable expenditure of labor and capital.

Every nation must be supplied with this circulating medium in amount equal, and somewhat more than equal, to all its exchanges necessarily to be made at any one given time. The same medium, or part of the whole, may operate different exchanges at different times: but there must at all times be in the nation an amount equal to the amount of exchanges in operation at any one and the same time. This medium may

be all money, or what the laws have adjudged to be as money.

It, however, in all trading nations, or, which is the same thing, in all rich nations, does consist of several other parts. All the stocks representing national debts are one part of this medium. All the stocks representing the debts and capital of all incorporated companies are a second part. All the paper representing all the debts of individuals and unincorporated trading companies is a third part of this medium of circulation. The whole money, or what by law is adjudged to be as money, makes up the fourth and last part of this great machine of circulation, sustaining and keeping in full work all the money production of any country. This money was anciently, in most nations, gold and silver. The modern invention of banking is thought to be an improvement.

If the money circulating medium of this nation be, as probably it is, $50,000,000, the cost of furnishing that amount must be equal to that sum. The yearly cost must be whatever the market interest may be in the whole country. To this must be added the amount yearly consumed by the wear of all the metallic pieces, whether gold, silver, or copper, of which such money is fabricated. This may be three per cent. The very great cost of transporting such a weight of money to make all the ready exchanges of the immense trade of our country cannot readily be appreciated or even conceived by men accustomed to the accommodation of bank bills for all such exchanges. Six per cent. per annum would not be a high charge for this cost. The whole expense would be, per

annum, fifteen per cent at the least, and in the whole amount, $7,500,000.

If the banking system be, as it is, substituted for this hard-money circulation, what will be saved? The whole success depends on one principle. If men receive bank bills because they believe they may, whenever they call for it, at the bank, receive, for such bills, their amount in silver or gold, they will never go for such exchange until they want the silver and gold for some purpose for which the bank bills cannot be used. How often this may be cannot, *a priori,* be stated.

Experience has solved the question. It has been found that not more than one dollar in eight will usually be wanted for any such purpose. If, therefore, an amount, in gold and silver, equal to the one-eighth part of the circulating money medium be kept in the vaults of banks, it will answer all calls for specie in exchange for bank bills. With a money circulating medium in your country equal to $50,000,000, you must keep in your vaults $6,250,000 in silver and gold. The yearly interest of this, at six per cent, is $373,000.

If your banking houses and all other implements of trade cost a like sum per annum, or $373,000; then the whole cost, annually, of your money medium, will be $746,000. The whole saving to the nation equals $6,754,000. That is the hard-money government of the gentleman from Virginia, sustained by the tobacco-planting and slave-labored culture of Roanoke. This the banking and cotton-spinning government of New England, sustained by the free-labored corn and wool

culture, and the manufacturing skill of the North, the West, and the East.

Which is most productive of national wealth, comfort, and independence has been abundantly demonstrated; that each is equally honest and constitutional no man who ever looked into the world, or up toward heaven, or into his own heart,—the gentleman alone, always excepted,—will have any cause ever to doubt.

One objection more made by the gentleman to banking, and I leave him to his own mercy. He has charged the banks in New England with the whole moral guilt of him who lately, by fraud and speculation, possessed himself of the funds of a certain bank in Virginia. He has quoted the great canon of the Redeemer, "Lead us not into temptation."

Thus stands his argument: had not New England invented and brought into use the banking system, this Virginia bank would never have existed; and therefore his friend the cashier would not have been trusted, or tempted, or have transgressed.

The gentleman from Virginia [Mr. Randolph], seems to have—and what can be more natural—a great sympathy for all but honest men. Sir, had God never given thee aught that is thine own, he need never had said unto thee, "Thou shalt not covet aught that is thy neighbor's." The gentleman has discovered a new mode of preventing crimes: destroy all property, and you lay the axe to the very root of all transgression. Not so, robbery, defrauded of his spoil, and changed to hungry, lean, gaunt murder, would still plunder, for blood, when nothing else was left to be plundered.

To justify the Virginia cashier, the gentleman lays the sin at the door of New England. They tempted, and but for this temptation he had now been a pure, prosperous, and high-minded gentleman. This apology is not new in any other respect than in its application. He must have drawn it from a book written in the second century by a Jewish rabbi who calls himself Ben Mammon. The title of this labored work is, "An Apology for Iscariot." The whole argument may be thus shortly stated. "The Nazarenes," says this Hebrew doctor, "accuse this man, Iscariot, without cause. Nay, they themselves were the authors of their own calamity. Jesus himself made Iscariot the purser of the whole family, and, by putting money into his hands, tempted and seduced him into avarice and covetousness. If this had not been done, this much-injured man never would have delivered up his master to the high priest or sold him for thirty pieces of silver."

"It is also manifest," continues the rabbi, "that had the Nazarene continued at home, where he ought to have continued, and in his carpenter's shop, and at his own trade, he never would have appointed Iscariot for his purser, nor ever have been betrayed by him.

"Iscariot was therefore a just man, and has been grossly libelled by Matthew the publican, who wrote the story. The guilt of this man's blood, who hanged himself, and of the innocent blood, as he says, of his master, is on the head of Jesus himself, the founder of the Christian sect."

Thus, sir, Ben Mammon justified Iscariot, and blasphemed Jesus; and thus, too, the gentleman from Vir-

ginia justifies his honest friend, the cashier; and calumniates the whole labor, capital, morals, and piety of New England; and thus, too, *mutatis mutandis,* would he have placed a diadem on the murderous temples of Barrabas and planted a crown of thorns on the head of him who redeemed the world.

Whence all this abuse of New England, this misrepresentation of the North and the West? It is, sir, because they, and all the patriots in the nation, would pursue a policy calculated to secure and perpetuate the national independence of Great Britain. It is because they are opposed by another policy, which, by its entire, and by every part of its operation, will inevitably bring the American people into a condition of dependence on Great Britain less profitable and not more to our honor than the condition of colonies.

I cannot, I would not look into the secrets of men's hearts; but the nation will examine the nature and tendencies of the American and the anti-American systems; and they can understand the arguments offered in support of each plan of national policy; and they, too, can read and will understand the histories of all public men and of those two systems of national policy. Do we, as it has been insinuated, support the American policy in wrong and for the injury and damage of Old England? I do not; those with whom I have the honor to act do not pursue this course. No, sir,

> "Not that I love England less,
> But that I love my country more."

Who, sir, would wrong; who would reduce the

wealth, the power of England? Who, without a glorious national pride, can look to that as to our mother country? It is the land of comfort, accommodation, and wealth; of science and literature; song, sentiment, heroic valor, and deep, various political philosophy. Who is not proud that our fathers were the compeers of Wolfe; that Burke and Chatham spoke our mother tongue? Who does not look for the most prosperous eras in the world when English blood shall warm the human bosom over the habitable breadth of every zone: when English literature shall come under the eye of the whole world: English intellectual wealth enrich every clime; and the manners, morals, and religion of us and our parent country spread civilization under the whole star-lighted heaven; and, in the very language of our deliberations, the hallowed voice of daily prayer shall arise to God throughout every longitude of the sun's whole race.

I would follow the course of ordinary experience; render the child independent of the parent; and from the resources of his own industry, skill, and prudence, rich, influential, and powerful among nations. Then, if the period of age and infirmity shall,—as God send it may never,—but if it shall come, then, sir, the venerated parent shall find shelter behind the strong right hand of her powerful descendant. . . .

The policy of the gentleman from Virginia calls him to a course of legislation resulting in the entire destruction of one part of this Union. Oppress New England until she shall be compelled to remove her manufacturing labor and capital to the regions of iron, wool, and grain; and nearer to those of rice and cotton.

Oppress New England until she shall be compelled to remove her commercial labor and capital to New York, Norfolk, Charleston, and Savannah.

Finally, oppress that proscribed region until she shall be compelled to remove her agricultural labor and capital—her agricultural capital? No, she cannot remove that. Oppress and compel her, nevertheless, to remove her agricultural labor to the far-off west; and there people the savage valley and cultivate the deep wilderness of the Oregon. She must, indeed, leave her agricultural capital; her peopled fields; her hills with culture carried to their tops; her broad, deep bays; her wide, transparent lakes, long, winding rivers, and many waterfalls; her delightful villages, flourishing towns, and wealthy cities. She must leave this land, bought by the treasure, subdued by the toil, defended by the valor of men, vigorous, athletic, and intrepid; men, god-like in all making man resemble the moral image of his Maker; a land endeared, oh! how deeply endeared, because shared with women pure as the snows of their native mountains; bright, lofty, and overawing as the clear, circumambient heavens, over their heads; and yet lovely as the fresh opening bosom of their own blushing and blooming June.

"Mine own romantic country," must we leave thee? Beautiful patrimony of the wise and good; enriched from the economy and ornamented by the labor and perseverance of two hundred years! Must we leave thee, venerable heritage of ancient justice and pristine faith? And, God of our fathers! must we leave thee to the demagogues who have deceived and traitor-

ously sold us? We must leave thee to them, and to the remnants of the Penobscots, the Pequods, the Mohicans, and Narragansets; that they may lure back the far-retired bear from the distant forest, again to inhabit in the young wilderness, growing up in our flourishing cornfields and rich meadows, and spreading, with briers and brambles, over our most "pleasant places."

All this shall come to pass, to the intent that New England may again become a lair for wild beasts and a hunting-ground for savages. The graves of our parents will be polluted, and the place made holy by the first footsteps of our Pilgrim forefathers become profaned by the midnight orgies of barbarous incantation. The evening wolf shall again howl on our hills, and the echo of his yell mingle once more with the sound of our waterfalls. The sanctuaries of God shall be made desolate. Where now a whole people congregate in thanksgiving for the benefactions of time, and in humble supplication for the mercies of eternity, there those very houses shall then be left without a tenant. The owl at noon-day, may roost on the high altar of devotion, and the "fox look out at the window" on the utter solitude of a New England Sabbath.

New England shall indeed, under this proscribing policy, be what Switzerland was under that of France. New England, which, like Switzerland, is the eagle-nest of freedom; New England, where, as in Switzerland, the cradle of infant liberty "was rocked by whirlwinds in their rage;" New England shall, as Switzerland was, in truth be "the immolated victim where

nothing but the skin remains unconsumed by the sacrifice;" New England, as Switzerland had, shall have "nothing left but her rocks, her ruins, and her demagogues."

The mind, sir, capable of conceiving a project of mischief so gigantic must have been early schooled and deeply imbued with all the great principles of moral evil.

What, then, sir, shall we say of a spirit regarding this event as a "consummation devoutly to be wished?"—a spirit without one attribute or one hope of the pure in heart; a spirit which begins and ends everything, not with prayer, but with imprecation; a spirit which blots from the great canon of petition, "Give us this day our daily bread;" that, foregoing bodily nutriment, he may attain to a higher relish for that unmingled food, prepared and served up to a soul "hungering and thirsting after wickedness;" a spirit which, at every rising sun, exclaims, "*Hodie! hodie! Carthago delenda!*" "To-day, to-day! let New England be destroyed!"

Sir, divine Providence takes care of his own universe. Moral monsters cannot propagate. Impotent of everything but malevolence of purpose, they can no otherwise multiply miseries than by blaspheming all that is pure, and prosperous, and happy. Could demon propagate demon, the universe might become a pandemonium; but I rejoice that the Father of Lies can never become the father of liars. One "adversary of God and man" is enough for one universe. Too much! Oh! how much too much for one nation.

Quincy, Josiah, an American statesman and orator, son of Josiah Quincy, "Jr," born in Boston, Mass., Feb. 4, 1772; died there, July 1, 1864. He was a lawyer by profession, held many important positions of trust, and was a leader among the Federalists. He was a member of Congress from Massachusetts, 1805-13; mayor of Boston, 1823-28; and president of Harvard College, 1829-45. He made many addresses for special occasions, as well as various speeches in Congress, and as a speaker was both polished and dignified.

ON THE ADMISSION OF LOUISIANA.

DELIVERED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, JANUARY 14, 1811.

MR. SPEAKER,—I address you, sir, with an anxiety and distress of mind with me wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details.

But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that, in no great length of time, it may produce it.

When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am al-

most tempted to leave, without a struggle, my country to its fate.

But, sir, while there is life there is hope. So long as the fatal shaft has not yet sped, if heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation who cherishes the constitution, under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave by the prospect it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this constitution, in veneration for the sages who laid its foundation, in devotion to those principles which form its cement and constitute its proportions.

What then must be my feelings; what ought to be the feelings of a man cherishing such sentiments when he sees an act contemplated which lays ruin at the root of all these hopes?—when he sees a principle of action about to be usurped, before the operation of which the bands of this constitution are no more than flax before the fire or stubble before the whirlwind. When this bill passes such an act is done and such a principle usurped.

Mr. Speaker, there is a great rule of human conduct which he who honestly observes cannot err wisely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fearless in tracing and exposing their imme-

diate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion that if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must.*

[Mr. Quincy was here called to order by Mr. Poindexter, delegate from the Mississippi Territory, for the words in italics. After it was decided, upon an appeal to the House, that Mr. Quincy was in order, he proceeded:]

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights of the people in one of their representatives. When I spoke of the separation of the States as resulting from the violation of the constitution contemplated in this bill, I spoke of it as a necessity deeply to be deprecated, but as resulting from causes so certain and obvious as to be absolutely inevitable when the effect of the principle is practically experienced. It is to preserve, to guard the constitution of my country that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset.

These observations are not made in a corner; there is no low intrigue; no secret machination. I am on

the people's own ground; to them I appeal concerning their own rights, their own liberties, their own intent, in adopting this constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged whether it be not a voice of wisdom.

The bill which is now proposed to be passed has this assumed principle for its basis, that the three branches of this national government, without recurrence to conventions of the people in the States or to the legislatures of the States, are authorized to admit new partners to a share of the political power in countries out of the original limits of the United States.

Now, this assumed principle I maintain to be altogether without any sanction in the constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature dissolving, according to undeniable principles of moral law, the obligations of our national compact, and leading to all the awful consequences which flow from such a state of things. Concerning this assumed principle, which is the basis of this bill, this is the general position on which I rest my argument, that, if the authority now proposed to be exercised be delegated to the three branches of the government by virtue of the constitution, it results either from its general nature or from its particular provisions. I shall consider distinctly both these sources in relation to this pretended power.

Touching the general nature of the instrument

called the constitution of the United States, there is no obscurity; it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of passed, unexplored ages; it is the fabric of our day. Some now living had a share in its construction; all of us stood by and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

It is, we, the people of the United States, for ourselves and our posterity; not for the people of Louisiana, nor for the people of New Orleans or of Canada. None of these enter into the scope of the instrument; it embraces only "the United States of America."

Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have of late been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill-spent to inquire what this phrase means and what it includes. These are not terms adopted at

hazard; they have reference to a state of things existing anterior to the constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitively the name by which they would be designated. In 1774 they called themselves "the Colonies and Provinces of North America": in 1775, "the Representatives of the United Colonies of North America"; in the Declaration of Independence "the Representatives of the United States of America"; and, finally, in the Articles of Confederation, the style of the confederacy is declared to be "the United States of America."

It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preample to this constitution, not content simply with declaring that it is "We, the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the lakes; and more precisely, so far as relates to the frontier, having relation to the present argument, within—

—"a line to be drawn through the middle of the river Mississippi until it interesect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the

river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

I have been thus particular to draw the minds of gentlemen distinctly to the meaning of the terms used in the preamble; to the extent which "the United States" then included, and to the fact that neither New Orleans nor Louisiana was within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say that there is nothing in the general nature of this compact from which the power contemplated to be exercised in this bill results.

On the contrary, as the introduction of a new associate in political power implies necessarily a new division of power and consequent diminution of the relative proportion of the former proprietors of it, there can certainly be nothing more obvious than that from the general nature of the instrument no power can result to diminish and give away to strangers any proportion of the rights of the original partners. If such a power exist, it must be found, then, in the particular provisions in the constitution. The question now arising is, in which of these provisions is given the power to admit new States to be created in territories beyond the limits of the old United States. If it exist anywhere, it is either in the third section of the fourth article of the constitution or in the treaty-making power. If it result from neither of these it is not pretended to be found anywhere else.

That part of the third section of the fourth article on which the advocates of this bill rely is the following:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read with all the superciliousness of a grammarian's triumph—"New States may be admitted by the Congress into this Union"—accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is not here an express authority?"

I have no doubt this is a full and satisfactory argument to everyone who is content with the mere colors and superficies of things. And, if we were now at the bar of some stall-fed justice, the inquiry would ensure victory to the maker of it, to the manifest delight of the constables and suitors of his court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their constitution. These are not to be made the victims of the inevitable obscurity of general terms, nor the sport of verbal criticism.

The question is concerning the intent of the American people, the proprietors of the United States, when

they agreed to this article. Dictionaries and spelling-books are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power reserved by this constitution to every State in this Union. Have the three branches of this government a right, at will, to weaken and outweigh the influence, respectively, secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States?

The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by new-comers into the confederacy.

Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article is therefore an inquiry of most serious import, and is to be settled only by a recurrence to the known history and known relations of this people and their constitution. These, I maintain, support this position, that the terms "new States" in this article do intend new political sovereignties, to be formed within the original limits of the United States, and do not intend new political

sovereignties with territorial annexations, to be created without the original limits of the United States. I undertake to support both branches of this position to the satisfaction of the people of those United States. As to any expectation of conviction on this floor, I know the nature of the ground and how hopeless any arguments are which thwart a concerted course of measures. . . .

But there is an argument stronger even than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible that such a power, if it had been intended to be given by the people, should be left dependent upon the effect of general expressions, and such, too, as were obviously applicable to another subject, to a particular exigency contemplated at the time?

Sir, what is this power we propose now to usurp?

Nothing less than a power changing all the proportions of the weight and influence possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share without their consent. Upon a principle pretended to be deduced from the constitution this government, after this bill passes, may and will multiply foreign partners in power at its own mere motion, at its irresponsible pleasure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power that from its nature never could be delegated; never was delegated; and, as it breaks down all the proportions of power guaranteed by the constitution to the States upon which their essential security depends,

utterly annihilates the moral force of this political conduct.

Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance, at its will, the political weight of any one State, much more of all the States, by authorizing it to create new States at its pleasure in foreign countries not pretended to be within the scope of the constitution or the conception of the people at the time of passing it?

This is not so much a question concerning the exercise of sovereignty as it is who shall be sovereign—whether the proprietors of the good old United States shall manage their own affairs in their own way, or whether they, and their constitution, and their political rights, shall be trampled under foot by foreigners introduced through a breach of the constitution. The proportion of the political weight of each sovereign State constituting the Union depends upon the number of the States which have a voice under the compact. This number the constitution permits us to multiply at pleasure within the limits of the original United States; observing only the expressed limitations in the constitution.

But when, in order to increase your power of augmenting this number, you pass the old limits, you are guilty of a violation of the constitution in a fundamental point; and in one also which is totally inconsistent with the intent of the contract and the safety of the States which established the association. What is the practical difference to the old partners whether they hold their liberties at the will of a master, or whether,

by admitting exterior States on an equal footing with the original States, arbiters are constituted who, by availing themselves of the contrariety of interests and views which in such a confederacy necessarily will arise, hold the balance among the parties which exist and govern us, by throwing themselves into the scale most conformable to their purposes? In both cases there is an effective despotism. But the last is the more galling, as we carry the chain in the name and gait of freemen.

I have thus shown—and whether fairly I am willing to be judged by the sound discretion of the American people—that the power proposed to be usurped in this bill results neither from the general nature nor the particular provisions of the federal constitution, and that it is a palpable violation of it in a fundamental point whence flow all the consequences I have intimated.

But, says the gentleman from Tennessee [Mr. Rhea], "these people have been seven years citizens of the United States."

I deny it, sir. As citizens of New Orleans or of Louisiana they never have been, and by the mode proposed they never will be, citizens of the United States. They may be girt upon us for a moment, but no real cement can grow from such an association. What the real situation of the inhabitants of those foreign countries is I shall have occasion to show presently. But, says the same gentleman, "if I have a farm, have not I a right to purchase another farm in my neighborhood, and settle my sons upon it, and in

time admit them to a share in the management of my household?"

Doubtless, sir. But are these cases parallel? Are the three branches of this government owners of this farm called the United States? I desire to thank heaven they are not. I hold my life, liberty, and property, and the people of the State from which I have the honor to be a representative hold theirs, by a better tenure than any this national government can give. Sir, I know your virtue.

And I thank the Great Giver of every good gift that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the legislature, nor the good gentleman who lives in the palace yonder, nor all combined, can touch these my essential rights, and those of my friends and constituents, except in a limited and prescribed form. No, sir. We hold these by the laws, customs, and principles of the Commonwealth of Massachusetts. Behind her ample shield we find refuge and feel safety. I beg gentlemen not to act upon the principle that the commonwealth of Massachusetts is their farm.

But, the gentleman adds, "what shall we do if we do not admit the people of Louisiana into our Union? Our children are settling that country."

Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house or the houses of my friends to filch our children's clothes in order to cover his children's nakedness? This constitution never was and never can be

strained to lap over all the wilderness of the west without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and the Red River country. And whenever it is attempted to be stretched over them it will rend asunder. I have done with this part of my argument. It rests upon this fundamental principle that the proportion of political power, subject only to the internal modifications permitted by the constitution, is an inalienable, essential, intangible right. When it is touched, the fabric is annihilated; for on the preservation of these proportions depend our rights and liberties.

If we recur to the known relations existing among the States at the time of the adoption of this constitution, the same conclusion will result. The various interests, habits, manners, prejudices, education, situation, and views which excited jealousies and anxieties in the breasts of some of our most distinguished citizens touching the result of the proposed constitution were potent obstacles to its adoption.

The immortal leader of our Revolution, in his letter to the President of the old Congress, written as President of the convention which formed this compact, thus speaks on this subject:

"It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a differ-

ence among the several States as to their situation, extent, habits, and particular interests."

The debates of that period will show that the effect of the slave votes upon the political influence of this part of the country, and the anticipated variation of the weight of power to the west, were subjects of great and just jealousy to some of the best patriots in the northern and eastern States. Suppose, then, that it had been distinctly foreseen that in addition to the effect of this weight the whole population of a world beyond the Mississippi was to be brought into this and the other branch of the legislature, to form our laws, control our rights, and decide our destiny. Sir, can it be pretended that the patriots of that day would for one moment have listened to it?

They were not madmen. They had not taken degrees at the hospital of idiocy. They knew the nature of man and the effect of his combinations in political societies. They knew that when the weight of particular sections of a confederacy was greatly unequal, the resulting power would be abused; that it was not in the nature of man to exercise it with moderation. The very extravagance of the intended use is a conclusive evidence against the possibility of the grant of such a power as is here proposed. Why, sir, I have already heard of six States, and some say there will be, at no great distance of time, more. I have also heard that the mouth of the Ohio will be far to the east of the centre of the contemplated empire.

If the bill is passed, the principle is recognized. All the rest are mere questions of expediency. It

is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them this constitution was adopted.

You have no authority to throw the rights and liberties and property of this people into "hotch-pot" with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who bask on the sands in the mouth of the Mississippi. I make no objection to these from their want of moral qualities or political light. The inhabitants of New Orleans are, I suppose, like those of all other countries, some good, some bad, some indifferent.

As then the power in this bill, proposed to be usurped, is neither to be drawn from the general nature of the instrument nor from the clause just examined, it follows that if it exist anywhere it must result from the treaty-making power. This the gentleman from Tennessee [Mr. Rhea] asserts, but the gentleman from North Carolina [Mr. Macon] denies, and very justly; for what a monstrous position is this, that the treaty-making power has the competency to change the fundamental relations of the constitution itself! —that a power under the constitution should have the ability to change and annihilate the instrument from which it derives all its power. And if, the treaty-making power can introduce new partners to the political rights of the States, there is no length, however extravagant or inconsistent with the end, to which it may not be wrested. The present President of the United States, when a member of the Virginia convention for adopting the constitution, expressly

declared that the treaty-making power has limitations; and he stated this as one, "that it cannot alienate any essential right."

Now, is not here an essential right to be alienated? —the right to that proportion of political power which the constitution has secured to every State, modified only by such internal increase of States as the existing limits of the Territories, at the time of the adoption of the constitution, permitted.

The debates of that period chiefly turned upon the competency of this power to bargain away any of the old States. It was agreed at that time that by this power old States within the ancient limits could not be sold from us. And I maintain that by it new States without the ancient limits cannot be saddled upon us. It was agreed at that time that the treaty-making power "could not cut off a limb." And I maintain that neither has it the competency to clap a hump upon our shoulders.

The fair proportions devised by the constitution are in both cases marred; and the fate and felicity of the political being, in material particulars related to the essence of his constitution, affected. It was never pretended by the most enthusiastic advocates for the extent of the treaty-making power that it exceeded that of the king of Great Britain. Yet I ask, suppose that monarch should make a treaty stipulating that Hanover or Hindostan should have a right of representation on the floor of Parliament, would such a treaty be binding? No, sir, not as I believe, if a House of Commons and of Lords could be found venal enough to agree to it. But, although in that country

the three branches of its legislature are called omnipotent, and the people might not deem themselves justified in resistance, yet here there is no apology of this kind. The limits of our power are distinctly marked, and when the three branches of this government usurp upon this constitution in particulars vital to the liberties of this people the deed is at their peril.

I have done with the constitutional argument. Whether I have been able to convince any member of this House, I am ignorant, I had almost said indifferent. But this I will not say, because I am indeed deeply anxious to prevent the passage of this bill. Of this I am certain, however, that when the dissensions of this day are passed away, when party spirit shall no longer prevent the people of the United States from looking at the principle assumed in it independent of gross and deceptive attachments and antipathies, the ground here defended will be acknowledged as a high constitutional bulwark, and the principles here advanced will be appreciated.

I will add one word touching the situation of New Orleans. The provision of the treaty of 1803, which stipulates that it shall be "admitted as soon as possible," does not, therefore, imply a violation of the constitution. There are ways in which this may constitutionally be effected, by an amendment of the constitution or by reference to conventions of the people in the States.

And I do suppose that in relation to the objects of the present bill (the people of New Orleans) no great difficulty would arise. Considered as an important accommodation to the western States, there would

be no violent objection to the measure. But this would not answer all the projects to which the principle of this bill, when once admitted, leads and is intended to be applied. The whole extent of Louisiana is to be cut up into independent States to counterbalance and to paralyze whatever there is of influence in other quarters of the Union. Such a power, I am well aware, the people of the States would never grant you. And therefore, if you get it, the only way is by the mode adopted in this bill—by usurpation.

The objection here urged is not a new one. I refer with great delicacy to the course pursued by any member of the other branch of the legislature; yet I have it from such authority that I have an entire belief of the fact that our present minister in Russia, then a member of that body when the Louisiana treaty was under the consideration of the Senate, although he was in favor of the treaty, yet expressed great doubts on the ground of constitutionality in relation to our control over the destinies of that people and the manner and the principles on which they could be admitted into the Union. And it does appear that he made two several motions in that body, having for their object, as avowed and as gathered from their nature, an alteration in the constitution to enable us to comply with the stipulations of that convention.

I will add only a few words in relation to the moral and political consequences of usurping this power. I have said that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression. But the true source of terror is not the declaration I have made, but the deed you pro-

pose. Is there a moral principle of public law better settled or more conformable to the plainest suggestions of reason than that the violation of a contract by one of the parties may be considered as exempting the other from its obligations?

Suppose, in private life, thirteen form a partnership and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership after so palpable an infringement of their rights?

How much more, in the political partnership, where the admission of new associates without previous authority is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged beyond his intent at the time of the contract. Now, who believes, who dare assert, that it was the intention of the people, when they adopted this constitution, to assign eventually to New Orleans and Louisiana a portion of their political power, and to invest all the people those extensive regions might hereafter contain with an authority over themselves and their descendants?

When you throw the weight of Louisiana into the scale you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that beyond its fair and acknowledged intent such a compact has no moral force? If gentlemen are so alarmed at the bare men-

tion of the consequences, let them abandon a measure which sooner or later will produce them.

How long before the seeds of discontent will ripen no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the northern and Atlantic States will or ought to look with patience and see representatives and senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself.

This great usurpation which creeps into this House under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature and conformable to the acknowledged principles of the constitution the sceptre of power in this country is passing towards the northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care in your haste after effectual dominion not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not

down this constitution. Already the old States sink in the estimation of members when brought into comparison with these new countries.

We have been told that "New Orleans was the most important point in the Union." A place out of the Union, the most important place within it! We have been asked, "What are some of the small States when compared with the Mississippi Territory?" The gentleman from that Territory [Mr. Poindexter] spoke the other day of the Mississippi as "of a high road between"—good heavens! between what? Mr. Speaker—why, "the eastern and western States!" So that all the northwestern Territories, all the countries once the extreme western boundary of our Union are hereafter to be denominated eastern States!

[Mr. Poindexter explained. He said that he had not said that the Mississippi was to be the boundary between the eastern and western States. He had merely thrown out a hint that in erecting new States it might be a good high road between the States on its waters. His idea had not extended beyond the new States on the waters of the Mississippi.]

I make no great point of this matter. The gentleman will find in the "National Intelligencer" the terms to which I refer. There will be seen, I presume, what he has said and what he has not said. The argument is not affected by the explanation. New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations

on this subject short of California and Columbia River.

When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil and to warn and prepare the people against the event.

I have no hesitation on the subject. The extension of this principle to the States contemplated beyond the Mississippi cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better, the more likely that convulsions may be prevented, the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future as well as the present. We live not for ourselves alone.

That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system prescribed in the constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are violated in essential particulars all the concurrent spheres of

authority rush against each other, and disorder, derangement, and convulsions are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fear about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, anything universal in its nature. Sir, I confess it, the first public love of my heart is the Commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors—

> "Low lies that land, yet blest with fruitful stores,
> Strong are her sons, though rocky are her shores;
> And none, ah! none, so lovely to my sight,
> Of all the lands, which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil and is rooted in it. I cherish it because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a deathblow to the constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

Randolph, John, a famous American orator, born at Cawsons, Va., June 2, 1773; died in Philadelphia, June 24, 1833. He was long one of the most notable members of Congress, where his exceeding irritability in debate involved him in many acrid controversies. His voice was very musical, and his enunciation so clear that his lowest tones could be easily heard. His style was not declamatory, but abrupt and laconic, and the biting sarcasms in which he frequently indulged were uttered in an exasperatingly cool manner. While speaking his head was generally raised, while he pointed with his long white forefinger at the especial object of his scorn.

ON FOREIGN IMPORTATIONS.

[Delivered March 5, 1806, on a motion for the non-importation of British merchandise, offered by Mr. Gregg in the House of Representatives during the dispute between Great Britain and the United States.]

I AM extremely afraid, sir, that so far as it may depend on my acquaintance with details connected with the subject I have very little right to address you: for in truth I have not yet seen the documents from the treasury, which were called for some time ago, to direct the judgment of this House in the decision of the question now before you; and indeed, after what I have this day heard, I no longer require that document or any other documents; indeed, I do not know that I ever should have required it, to vote on the resolution of the gentleman from Pennsylvania. If I had entertained any doubts, they would have been

removed by the style in which the friends of the resolution have this morning discussed it.

I am perfectly aware that upon entering on this subject we go into it manacled, handcuffed, and tongue-tied. Gentlemen know that our lips are sealed in subjects of momentous foreign relations which are indissolubly linked with the present question, and which would serve to throw a great light on it in every respect relevant to it. I will, however, endeavor to hobble over the subject as well as my fettered limbs and palsied tongue will enable me to do it.

I am not surprised to hear this resolution discussed by its friends as a war measure. They say, it is true, that it is not a war measure; but they defend it on principles which would justify none but war measures, and seem pleased with the idea that it may prove the forerunner of war. If war is necessary, if we have reached this point, let us have war.

But while I have life I will never consent to these incipient war measures which in their commencement breathe nothing but peace, though they plunge us at last into war.

It has been well observed by the gentleman from Pennsylvania behind me [Mr. J. Clay], that the situation of this nation in 1793 was in every respect different from that in which it finds itself in 1806. Let me ask, too, if the situation of England is not since materially changed? Gentlemen, who, it would appear from their language, have not got beyond the hornbook of politics, talk of our ability to cope with the British navy and tell us of the war of our Revolution.

What was the situation of Great Britain then? She

was then contending for the empire of the British Channel, barely able to maintain a doubtful equality with her enemies, over whom she never gained the superiority until Rodney's victory of the 12th of April.

What is her present situation? The combined fleets of France, Spain, and Holland are dissipated; they no longer exist. I am not surprised to hear men advocate these wild opinions, to see them goaded on by a spirit of mercantile avarice, straining their feeble strength to excite the nation to war, when they have reached this stage of infatuation, that we are an overmatch for Great Britain on the ocean. It is mere waste of time to reason with such persons. They do not deserve anything like serious refutation. The proper arguments for such statesmen are a strait-waistcoat, a dark room, water-gruel, and depletion.

It has always appeared to me that there are three points to be considered, and maturely considered, before we can be prepared to vote for the resolution of the gentleman from Pennsylvania. First, our ability to contend with Great Britain for the question in dispute; second, the policy of such a contest; and third, in case both these shall be settled affirmatively, the manner in which we can with the greatest effect react upon and annoy our adversary.

Now the gentleman from Massachusetts [Mr. Crowninshield] has settled at a single sweep, to use one of his favorite expressions, not only that we are capable of contending with Great Britain on the ocean, but that we are actually her superior. Whence does the gentleman deduce this inference? Because truly

at that time when Great Britain was not mistress of the ocean, when a North was her prime minister and a Sandwich the first lord of her admiralty; when she was governed by a counting-house administration, pivateers of this country trespassed on her commerce. So too did the cruisers of Dunkirk. At that day Sufferin held the mastery of the Indian seas.

But what is the case now? Do gentlemen remember the capture of Cornwallis on land because De Grasse maintained the dominion of the ocean? To my mind no position is more clear than that if we go to war with Great Britain, Charleston and Boston, the Chesapeake and the Hudson, will be invested by British squadrons. Will you call on the Count de Grasse to relieve them? or shall we apply to Admiral Gravina, or Admiral Villeneuve, to raise the blockade?

But you have not only a prospect of gathering glory, and, what seems to the gentleman from Massachusetts much dearer, to profit by privateering, but you will be able to make a conquest of Canada and Nova Scotia. Indeed? Then, sir, we shall catch a Tartar. I confess, however, I have no desire to see the senators and the representatives of the Canadian French, or of the Tories and refugees of Nova Scotia, sitting on this floor, or that of the other House—to see them becoming members of the Union and participating equally in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating those provinces with us? Or on what other principle could it be done under the constitution? If the gentleman has no other bounty to offer us for going to war than the incorporation of Canada and

Nova Scotia with the United States, I am for remaining at peace.

What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own productions to foreign markets and bringing back their productions in exchange? No, sir; it is that carrying trade which covers enemy's property and carries the coffee, the sugar, and other West India products to the mother country.

No, sir; if this great agricultural nation is to be governed by Salem and Boston, New York and Philadelphia, and Baltimore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the government.

I, for one, will not mortgage my property and my liberty to carry on this trade. The nation said so seven years ago; I said so then, and I say so now. It is not for the honest carrying trade of America, but for this mushroom, this fungus of war, for a trade which, as soon as the nations of Europe are at peace, will no longer exist; it is for this that the spirit of avaricious traffic would plunge us into war.

I am forcibly struck on this occasion by the recollection of a remark made by one of the ablest, if not the honestest, ministers that England ever produced. I mean Sir Robert Walpole, who said that the country gentlemen, poor, meek souls! came up every year to be sheared; that they laid mute and patient whilst their fleeces were taking off; but that if he touched a single bristle of the commercial interest, the whole stye was

in an uproar. It was indeed shearing the hog—"great cry and little wool."

But we are asked, are we willing to bend the neck to England; to submit to her outrages. No, sir; I answer that it will be time enough for us to tell gentlemen what we will do to vindicate the violation of our flag on the ocean when they shall have told us what they have done in resentment of the violation of the actual territory of the United States by Spain, the true territory of the United States, not your new-fangled country over the Mississippi, but the good old United States —part of Georgia, of the old thirteen States, where citizens have been taken, not from our ships, but from our actual territory.

When gentlemen have taken the padlock from our mouths I shall be ready to tell them what I will do relative to our dispute with Britain on the law of nations, on contraband, and such stuff.

I have another objection to this course of proceeding.—Great Britain, when she sees it, will say the American people have great cause of dissatisfaction with Spain. She will see by the documents furnished by the President that Spain has outraged our territory, pirated upon our commerce, and imprisoned our citizens; and she will inquire what we have done. It is true, she will receive no answer; but she must know what we have not done. She will see that we have not repelled these outrages, nor made any addition to our army and navy, nor even classed the militia. No, sir; not one of our militia generals in politics has marshalled a single brigade.

Although I have said it would be time enough to

answer the question which gentlemen have put to me when they shall have answered mine; yet, as I do not like long prorogations, I will give them an answer now. I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the Leviathan of the deep, We are unable to contend with you in your own element, but if you come within our actual limits we will shed our last drop of blood in their defence. In such an event I would feel, not reason; and obey an impulse which never has—which never can deceive me.

France is at war with England: suppose her power on the continent of Europe no greater than it is on the ocean. How would she make her enemy feel it? There would be a perfect non-conductor between them. So with the United States and England; she scarcely presents to us a vulnerable point. Her commerce is carried on, for the most part, in fleets; where in single ships, they are stout and well armed; very different from the state of her trade during the American war, when her merchantmen became the prey of paltry privateers. Great Britain has been too long at war with the three most powerful maritime nations of Europe not to have learnt how to protect her trade. She can afford convoy to it all; she has eight hundred ships in commission: the navies of her enemies are annihilated.

Thus this war has presented the new and curious political spectacle of a regular annual increase (and to an immense amount) of her imports and exports, and tonnage and revenue, and all the insignia of accumulating wealth, whilst in every former war, without ex-

ception, these have suffered a greater or less diminution. And wherefore?

Because she has driven France, Spain, and Holland from the ocean. Their marine is no more. I verily believe that ten English ships of the line would not decline a meeting with the combined fleets of those nations.

I forewarn the gentleman from Massachusetts, and his constituents of Salem, that all their golden hopes are vain. I forewarn them of the exposure of their trade beyond the Cape of Good Hope (or now doubling it) to capture and confiscation; of their unprotected seaport towns exposed to contribution or bombardment. Are we to be legislated into a war by a set of men who in six weeks after its commencement may be compelled to take refuge with us in the country?

And for what? a mere fungus—a mushroom production of war in Europe, which will disappear with the first return of peace—an unfair truce. For is there a man so credulous as to believe that we possess a capital not only equal to what may be called our own proper trade, but large enough also to transmit to the respective parent States the vast and wealthy products of the French, Spanish, and Dutch colonies? 'Tis beyond the belief of any rational being.

But this is not my only objection to entering upon this naval warfare. I am averse to a naval war with any nation whatever. I was opposed to the naval war of the last administration, and I am as ready to oppose a naval war of the present administration should they meditate such a measure. What! shall this great mammoth of the American forest leave his native ele-

ment, and plunge into the water in a mad contest with the shark? Let him beware that his proboscis is not bitten off in the engagement. Let him stay on shore, and not be excited by the mussels and periwinkles on the strand, or political bears, in a boat to venture on the perils of the deep.

Gentlemen say, Will you not protect your violated rights? and I say, Why take to water, where you can neither fight nor swim? Look at France; see her vessels stealing from port to port on her own coast; and remember that she is the first military power of the earth, and as a naval people second only to England. Take away the British navy, and France to-morrow is the tyrant of the ocean.

This brings me to the second point. How far is it politic in the United States to throw their weight into the scale of France at this moment?—from whatever motive to aid the views of her gigantic ambition—to make her mistress of the sea and land—to jeopardize the liberties of mankind. Sir, you may help to crush Great Britain—you may assist in breaking down her naval dominion, but you cannot succeed to it. The iron sceptre of the ocean will pass into his hands who wears the iron crown of the land. You may then expect a new code of maritime law. Where will you look for redress?

I can tell the gentleman from Massachusetts that there is nothing in his rule of three that will save us, even although he should outdo himself and exceed the financial ingenuity which he so memorably displayed on a recent occasion. No, sir; let the battle of Actium be once fought, and the whole line of seacoast will be

at the mercy of the conqueror. The Atlantic, deep and wide as it is, will prove just as good a barrier against his ambition, if directed against you, as the Mediterranean to the power of the Cæsars.

Do I mean, when I say so, to crouch to the invader? No, I will meet him at the water's edge, and fight every inch of ground from thence to the mountains, from the mountains to the Mississippi. But after tamely submitting to an outrage on your domicile, will you bully and look big at an insult on your flag three thousand miles off?

But, sir, I have yet a more cogent reason against going to war for the honor of the flag in the narrow seas, or any other maritme punctilio. It springs from my attachment to the principles of the government under which I live. I declare, in the face of the day, that this government was not instituted for the purposes of offensive war. No; it was framed, to use its own language, for the common defence and the general welfare, which are inconsistent with offensive war.

I call that offensive war which goes out of our jurisdiction and limits for the attainment or protection of objects not within those limits and that jurisdiction. As in 1798 I was opposed to this species of warfare because I believed it would raze the constitution to the very foundation, so in 1806 am I opposed to it, and on the same grounds. No sooner do you put the constitution to this use—to a test which it is by no means calculated to endure, than its incompetency to such purposes becomes manifest and apparent to all. I fear, if you go into a foreign war for a circuitous unfair carrying trade, you will come out without your

constitution. Have you not contractors enough in this House? Or do you want to be overrun and devoured by commissaries and all the vermin of contract?

I fear, sir, that what are called the energy-men will rise up again—men who will burn the parchment. We shall be told that our government is too free; or, as they would say, weak and inefficient. Much virtue, sir, in terms. That we must give the President power to call forth the resources of the nation; that is, to filch the last shilling from our pockets—to drain the last drop of blood from our veins. I am against giving this power to any man, be he who he may. The American people must either withhold this power or resign their liberties.

There is no other alternative. Nothing but the most imperious necessity will justify such a grant. And is there a powerful enemy at our doors? You may begin with a first consul; from that chrysalis state he soon becomes an emperor. You have your choice. It depends upon your election whether you will be a free, happy, and united people at home, or the light of your executive majesty shall beam across the Atlantic in one general blaze of the public liberty.

For my part I never will go to war but in self-defence. I have no desire for conquests—no ambition to possess Nova Scotia—I hold the liberties of this people at a higher rate. Much more am I indisposed to war when among the first means for carrying it on I see gentlemen propose the confiscation of debts due by government to individuals. Does a *bona fide* creditor know who holds his paper? Dare any honest man ask himself the question? 'Tis hard to say whether

such principles are more detestably dishonest than they are weak and foolish. What, sir; will you go about with proposals for opening a loan in one hand and a sponge for the national debt in the other?

If, on a late occasion, you could not borrow at a less rate of interest than eight per cent when the government avowed that they would pay to the last shilling of the public ability, at what price do you expect to raise money with an avowal of these nefarious opinions? God help you! if these are your ways and means for carrying on war—if your finances are in the hands of such a chancellor of the exchequer.

Because a man can take an observation and keep a log-book and a reckoning; can navigate a cock-boat to the West Indies, or the East; shall he aspire to navigate the great vessel of state—to stand at the helm of public councils? *"Ne sutor ultra crepidam."** What are you going to war for? For the carrying trade. Already you possess seven eighths of it. What is the object in dispute? The fair, honest trade, that exchanges the produce of our soil for foreign articles for home consumption? Not at all.

You are called upon to sacrifice this necessary branch of your navigation, and the great agricultural interest, whose handmaid it is, to jeopardize your best interests, for a circuitous commerce, for the fraudulent protection of belligerent property under your neutral flag. Will you be goaded by the dreaming calculations of insatiate avarice to stake your all for the protection of this trade? I do not speak of the probable effects of war on the price of our produce; severely as we must

* "Let not the cobbler go beyond his last."

feel, we may scuffle through it. I speak of its reaction on the constitution.

You may go to war for this excrescence of the carrying trade, and make peace at the expense of the constitution. Your executive will lord it over you, and you must make the best terms with the conqueror that you can.

But the gentleman from Pennsylvania [Mr. Gregg] tells you that he is for acting in this, as in all things, uninfluenced by the opinion of any foreign minister whatever—foreign, or, I presume, domestic. On this head I am willing to meet the gentleman, am unwilling to be dictated to by any minister at home or abroad. Is he willing to act on the same independent footing? I have before protested, and I again protest, against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's resolution was, "Is this a measure of the cabinet?" Not an open declared cabinet, but an invisible, inscrutable, unconstitutional cabinet—without responsibility, unknown to the constitution. I speak of back-stairs influence, of men who bring messages to this House, which, although they do not appear on the journals, govern its decisions. Sir, the first question that I asked on the subject of British relations was, what was the opinion of the cabinet? What measures will they recommend to Congress?—well knowing that whatever measures we might take they must execute them, and therefore that we should have their opinion on the subject—My answer was (and from a cabinet minister too), "There is no longer any cabinet." Subsequent circumstances, sir, have given me a per-

sonal knowledge of the fact. It needs no commentary.

But the gentleman has told you that we ought to go to war, if for nothing else, for the fur trade. Now, sir, the people on whose support he seems to calculate, follow, let me tell him, a better business; and let me add that whilst men are happy at home reaping their own fields, the fruits of their labor and industry, there is little danger of their being induced to go sixteen or seventeen hundred miles in pursuit of beavers, raccoons or opossums—much less of going to war for the privilege. They are better employed where they are.

This trade, sir, may be important to Britain, to nations who have exhausted every resource of industry at home—bowed down by taxation and wretchedness. Let them, in God's name, if they please, follow the fur trade. They may, for me, catch every beaver in North America. Yes, sir, our people have a better occupation—a safe, profitable, honorable employment.

Whilst they should be engaged in distant regions in hunting the beaver, they dread lest those whose natural prey they are should begin to hunt them—should pillage their property and assassinate their constitution. Instead of these wild schemes pay off your public debt, instead of prating about its confiscation. Do, not, I beseech you, expose at once your knavery and your folly. You have more lands than you know what to do with—you have lately paid fifteen millions for yet more. Go and work them—and cease to alarm the people with the cry of wolf until they become deaf to your voice or at least laugh at you.

Mr. Chairman, if I felt less regard for what I deem

the best interests of this nation than for my own reputation I should not on this day have offered to address you; but would have waited to come out, bedecked with flowers and bouquets of rhetoric, in a set speech. But, sir, I dread lest a tone might be given to the mind of the committee—they will pardon me, but I did fear, from all that I could see or hear, that they might be prejudiced by its advocates (under pretence of protecting our commerce) in favor of this ridiculous and preposterous project—I rose, sir, for one, to plead guilty—to declare in the face of day that I will not go to war for this carrying trade. I will agree to pass for an idiot if this is not the public sentiment; and you will find it to your cost, begin the war when you will.

Gentlemen talk of 1793. They might as well go back to the Trojan war. What was your situation then? Then every heart beat high with sympathy for France —for republican France! I am not prepared to say, with my friend from Pennsylvania, that we were all ready to draw our swords in her cause, but I affirm that we were prepared to have gone great lengths.

I am not ashamed to pay this compliment to the hearts of the American people even at the expense of their understandings. It was a noble and generous sentiment, which nations, like individuals, are never the worse for having felt. They were, I repeat it, ready to make great sacrifices for France. And why ready? because she was fighting the battles of the human race against the combined enemies of their liberty; because she was performing the part which Great Britain now in fact sustains—forming the only bulwark against universal dominion. Knock away her navy,

and where are you? Under the naval despotism of France, unchecked, unqualified by any antagonizing military power—at best but a change of masters. The tyrant of the ocean and the tyrant of the land is one and the same,—lord of all, and who shall say him nay, or wherefore doest thou this thing? Give to the tiger the properties of the shark, and there is no longer safety for the beasts of the forests or the fishes of the sea.

Where was this high anti-Britannic spirit of the gentleman from Pennsylvania when his vote would have put an end to the British treaty, that pestilent source of evil to this country? and at a time, too, when it was not less the interest than the sentiment of this people to pull down Great Britain and exalt France. Then, when the gentleman might have acted with effect, he could not screw his courage to the sticking place. Then England was combined in what has proved a feeble, inefficient coalition, but which gave just cause of alarm to every friend of freedom. Now, the liberties of the human race are threatened by a single power, more formidable than the coalesced world, to whose utmost ambition, vast as it is, the naval force of Great Britain forms the only obstacle.

I am perfectly sensible and ashamed of the trespass I am making on the patience of the committee; but as I know not whether it will be in my power to trouble them again on this subject I must beg leave to continue my crude and desultory observations. I am not ashamed to confess that they are so.

At the commencement of this session we received a printed message from the President of the United

States, breathing a great deal of national honor and indication of the outrages we had endured, particularly from Spain. She was specially named and pointed at. She had pirated upon your commerce, imprisoned your citizens, violated your actual territory invaded the very limits solemnly established between the two nations by the treaty of San Lorenzo.

Some of the State legislatures (among others the very State on which the gentleman from Pennsylvania relies for support) sent forward resolutions pledging their lives, their fortunes, and their sacred honor, in support of any measures you might take in vindication of your injured rights. Well, sir, what have you done? You have had resolutions laid upon your table—gone to some expense of printing and stationery—mere pen, ink, and paper, and that's all. Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble but the advertisements of patent medicines. Here you have the "Worm-destroying Lozenges," there, "Church's Cough Drops,"—and, to crown the whole, "Sloan's Vegetable Specific," an infallible remedy for all nervous disorders and vertigoes of brain-sick politicians; each man earnestly adjuring you to give his medicine only a fair trial. If, indeed, these wonder-working nostrums could perform but one half of what they promise, there is little danger of our dying a political death, at this time at least. But, sir, in politics as in physic, the doctor is oft-times the most dangerous disease—and this I take to be our case at present.

But, sir, why do you talk of Spain? There are no

longer Pyrenees. There exists no such nation—no such being as a Spanish king or minister. It is a mere juggle played off for the benefit of those who put the mechanism into motion. You know, sir, that you have no differences with Spain—that she is the passive tool of a superior power, to whom at this moment you are crouching. Are your differences indeed with Spain? And where are you going to send your political panacea (resolutions and handbills excepted), your sole arcanum of government—your king cure-all? To Madrid? No—you are not such quacks as not to know where the shoe pinches—to Paris. You know at least where the disease lies, and there apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your heads and blush to tell. You are afraid to tell. Your mouth is hermetically sealed. Your honor has received a wound which must not take air. Gentlemen dare not come forward and avow their work, much less defend it in the presence of the nation. Give them all they ask, that Spain exists, and what then? After shrinking from the Spanish jackal, do you presume to bully the British lion?

But here it comes out. Britain is your rival in trade, and governed, as you are, by counting-house politicians: you would sacrifice the paramount interests of your country to wound that rival. For Spain and France you are carriers—and from customers every indignity is to be endured. And what is the nature of this trade? Is it that carrying trade which sends abroad the flour, tobacco, cotton, beef, pork, fish, and lumber of this country, and brings back in return

foreign articles necessary for our existence or comfort?

No, sir; 'tis a trade carried on, the Lord knows where or by whom: now doubling Cape Horn, now the Cape of Good Hope. I do not say that there is no profit in it—for it would not then be pursued—but 'tis a trade that tends to assimilate our manners and government to those of the most corrupt countries of Europe. Yes, sir; and when a question of great national magnitude presents itself to you, causes those who now prate about national honor and spirit to pocket any insult, to consider it as a mere matter of debit and credit, a business of profit and loss, and nothing else.

The first thing that struck my mind when this resolution was laid on the table was, "*unde derivatur?*" a question always put to us at school—whence comes it? Is this only the putative father of the bantling he is taxed to maintain, or indeed the actual parent, the real progenitor of the child? or is it the production of the cabinet? But I knew you had no cabinet; no system: I had seen despatches relating to vital measures laid before you, the day after your final decision on those measures, four weeks after they were received; not only their contents, but their very existence, all that time, unsuspected and unknown to men, whom the people fondly believe assist, with their wisdom and experience, at every important deliberation.

Do you believe that this system, or rather this no system, will do? I am free to answer it will not. It cannot last. I am not so afraid of the fair, open, constitutional, responsible influence of government; but I shrink intuitively from this left-handed, invisible,

irresponsible influence which defies the touch but pervades and decides everything. Let the executive come forward to the legislature; let us see whilst we feel it. If we cannot rely on its wisdom, is it any disparagement to the gentleman from Pennsylvania to say that I cannot rely upon him?

No, sir, he has mistaken his talent. He is not the Palinurus on whose skill the nation, at this trying moment, can repose their confidence. I will have nothing to do with this paper; much less will I indorse it and make myself responsible for its goodness. I will not put my name to it. I assert that there is no cabinet, no system, no plan. That which I believe in one place I shall never hesitate to say in another. This is no time, no place, for mincing our steps. The people have a right to know—they shall know—the state of their affairs, at least as far as I am at liberty to communicate them. I speak from personal knowledge. Ten days ago there had been no consultation; there existed no opinion in your executive department; at least, none that was avowed. On the contrary there was an express disavowal of any opinion whatsoever on the great subject before you; and I have good reason for saying that none has been formed since. Some time ago a book was laid on our tables, which like some other bantlings, did not bear the name of its father. Here I was taught to expect a solution of all doubts; an end to all our difficulties. If, sir, I were the foe, as I trust I am the friend, to this nation, I would exclaim, "Oh! that mine enemy would write a book."

At the very outset, in the very first page, I believe, there is a complete abandonment of the principle in

dispute. Has any gentleman got the work? [It was handed by one of the members.] The first position taken is the broad principle of the unlimited freedom of trade between nations at peace, which the writer endeavors to extend to the trade between a neutral and a belligerent power; accompanied, however, by this acknowledgment:

"But, inasmuch as the trade of a neutral with a belligerent nation might, in certain special cases, affect the safety of its antagonist, usage, founded on the principle of necessity, has admitted a few exceptions to the general rule."

Whence comes the doctrine of contraband, blockade, and enemy's property? Now, sir, for what does that celebrated pamphlet, "War in Disguise," which is said to have been written under the eye of the British prime minister, contend, but this "principle of necessity." And this is abandoned by this pamphleteer at the very threshold of the discussion. But as if this were not enough he goes on to assign as a reason for not referring to the authority of the ancients, that "the great change which has taken place in the state of manners, in the maxims of war, and in the course of commerce, make it pretty certain"—(what degree of certainty is this?)—"that either nothing will be found relating to the question, or nothing sufficiently applicable to deserve attention in deciding it."

Here, sir, is an apology of the writer for not disclosing the whole extent of his learning (which might have overwhelmed the reader), in the admission that

a change of circumstances ("in the course of commerce") has made, and therefore will now justify, a total change of the law of nations. What more could the most inveterate advocate of English usurpation demand? What else can they require to establish all and even more than they contend for? Sir, there is a class of men (we know them very well) who, if you only permit them to lay the foundation, will build you up, step by step, and brick by brick—very neat and showy if not tenable arguments. To detect them, 'tis only necessary to watch their premises, where you will often find the point at issue totally surrendered, as in this case it is. Again: is the "*mare liberum*" anywhere asserted in this book—that free ships make free goods?

No, sir; the right of search is acknowledged; that enemy's property is lawful prize, is sealed and delivered. And after abandoning these principles, what becomes of the doctrine that a mere shifting of the goods from one ship to another, the touching at another port, changes the property? Sir, give up this principle, and there is an end to the question. You lie at the mercy of the conscience of a court of admiralty.

Is Spanish sugar or French coffee made American property by the mere change of the cargo, or even by the landing and payment of the duties? Does this operation effect a change of property? And when those duties are drawn back, and the sugars and coffee reexported, are they not, as enemy's property, liable to seizure upon the principles of the "examination of the British doctrine," etc. And is there not the best reason to believe that this operation is performed in many

if not in most cases, to give a neutral aspect and color to the merchandise?

I am prepared, sir, to be represented as willing to surrender important rights of this nation to a foreign government. I have been told that this sentiment is already whispered in the dark by time-servers and sycophants; but if your clerk dared to print them I would appeal to your journals!—I would call for the reading of them; but that I know they are not for profane eyes to look upon. I confess that I am more ready to surrender to a naval power a square league of ocean than to a territorial one a square inch of land within our limits; and I am ready to meet the friends of the resolution on this ground at any time.

Let them take off the injunction of secrecy. They dare not. They are ashamed and afraid to do it. They may give winks and nods and pretend to be wise, but they dare not come out and tell the nation what they have done.

Gentlemen may take notes if they please; but I will never, from any motives short of self-defence, enter upon war. I will never be instrumental to the ambitious schemes of Bonaparte, nor put into his hands what will enable him to wield the world; and on the very principle that I wished success to the French arms in 1793. And wherefore? Because the case is changed. Great Britain can never again see the year 1760. Her Continental influence is gone forever. Let who will be uppermost on the continent of Europe, she must find more than her counterpoise for her strength. Her race is run. She can only be formidable as a maritime power; and even as such perhaps not long. Are

you going to justify the acts of the last administration, for which they have been deprived of the government, at our instance? Are you going back to the ground of 1798-9?

I ask of any man who now advocates a rupture with England to assign a single reason for his opinion, that would not have justified a French war in 1798. If injury and insult abroad would have justified it, we had them in abundance then. But what did the republicans say at that day? That under the cover of a war with France the executive would be armed with a patronage and power which might enable it to master our liberties. They deprecated foreign war and navies, and standing armies, and loans, and taxes. The delirium passed away, the good sense of the people triumphed, and our differences were accommodated without a war. And what is there in the situation of England that invites to war with her? 'Tis true she does not deal so largely in perfectibility, but she supplies you with a much more useful commodity—with coarse woollens. With less professions indeed she occupies the place of France in 1793. She is the sole bulwark of the human race against universal dominion. No thanks to her for it. In protecting her own existence she ensures theirs. I care not who stands in this situation, whether England or Bonaparte; I practise the doctrines now that I professed in 1798.

Gentlemen may hunt up the journals if they please —I voted against all such projects under the administration of John Adams, and I will continue to do so under that of Thomas Jefferson. Are you not contented with being free and happy at home? Or will

you surrender these blessings, that your merchants may tread on Turkish and Persian carpets and burn the perfumes of the East in their vaulted rooms?

Gentlemen say, 'tis but an annual million lost, and even if it were five times that amount what is it compared with your neutral rights? Sir, let me tell them a hundred millions will be but a drop in the bucket if once they launch without rudder or compass into this ocean of foreign warfare. Whom do they want to attack—England? They hope it is a popular thing, and talk about Bunker's Hill and the gallant feats of our revolution. But is Bunker's Hill to be the theatre of war? No, sir, you have selected the ocean; and the object of attack is that very navy which prevented the combined fleets of France and Spain from levying contributions upon you in your own seas; that very navy which in the famous war of 1798 stood between you and danger.

Whilst the fleets of the enemy were pent up in Toulon or pinioned in Brest we performed wonders, to be sure; but, sir, if England had drawn off, France would have told you quite a different tale. You would have struck no medals. This is not the sort of conflict that you are to count upon if you go to war with Great Britain.

"*Quem Deus vult perdere prius dementat.*"* Are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime powers of Europe? Shall the planter mortgage his little crop and jeopardize the constitution in support of commercial monopoly, in the vain

* Whom God wishes to destroy he first makes mad.

hope of satisfying the insatiable greediness of trade? Administer the constitution upon principles for the general welfare, and not for the benefit of any particular class of men. Do you meditate war for the possession of Baton Rouge or Mobile, places which your own laws declare to be within your limits? Is it even for the fair trade that exchanges your surplus products for such foreign articles as you require? No, sir, 'tis for a circuitous traffic—an *ignis fatuus*.

And against whom? A nation from whom you have anything to fear? I speak as to our liberties. No, sir, with a nation from whom you have nothing, or next to nothing, to fear—to the aggrandizement of one against which you have everything to dread. I look to their ability and interest, not to their disposition. When you rely on that, the case is desperate. Is it to be inferred from all this that I would yield to Great Britain? No; I would act towards her now as I was disposed to do towards France in 1798–9—treat with her; and for the same reason, on the same principles. Do I say treat with her? At this moment you have a negotiation pending with her government. With her you have not tried negotiation and failed, totally failed, as you have done with Spain, or rather France. And wherefore, under such circumstances, this hostile spirit to the one, and this—I won't say what—to the other?

But a great deal is said about the laws of nations. What is national law but national power guided by national interest? You yourselves acknowledge and practise upon this principle where you can, or where

you dare,—with the Indian tribes, for instance. I might give another and more forcible illustration. Will the learned lumber of your libraries add a ship to your fleet or a shilling to your revenue? Will it pay or maintain a single soldier? And will you preach and prate of violations of your neutral rights when you tamely and meanly submit to the violation of your territory? Will you collar the stealer of your sheep, and let him escape that has invaded the repose of your fireside; has insulted your wife and children under your own roof?

This is the heroism of truck and traffic—the public spirit of sordid avarice. Great Britain violates your flag on the high seas. What is her situation? Contending, not for the dismantling of Dunkirk, for Quebec, or Pondicherry, but for London and Westminster —for life. Her enemy violating at will the territories of other nations—acquiring thereby a colossal power that threatens the very existence of her rival. But she has one vulnerable point to the arms of her adversary which she covers with the ensigns of neutrality. She draws the neutral flag over the heel of Achilles. And can you ask that adversary to respect it at the expense of her existence? And in favor of whom?—an enemy that respects no neutral territory of Europe, and not even your own? I repeat that the insults of Spain towards this nation have been at the instigation of France; that there is no longer any Spain. Well, sir, because the French government do not put this into the "Moniteur," you choose to shut your eyes to it. None so blind as those who will not see. You shut your own eyes, and to blind those of other people you

go into conclave and slink out again and say—"a great affair of State!"—*C'est une grande affaire d'Etat!*

It seems that your sensibilty is entirely confined to the extremities. You may be pulled by the nose and ears, and never feel it; but let your strong-box be attacked, and you are all nerve—"Let us go to war!" Sir, if they called upon me only for my little *peculium* to carry it on, perhaps I might give it: but my rights and liberties are involved in the grant, and I will never surrender them whilst I have life.

The gentleman from Massachusetts [Mr. Crowninshield] is for sponging the debt. I can never consent to it. I will never bring the ways and means of fraudulent bankruptcy into your committee of supply. Confiscation and swindling shall never be found among my estimates, to meet the current expenditure of peace or war. No, sir. I have said with the doors closed, and I say so when they are open, "Pay the public debt." Get rid of that dead weight upon your government, that cramp upon all your measures, and then you may put the world at defiance.

So long as it hangs upon you, you must have revenue and to have revenue you must have commerce—commerce, peace. And shall these nefarious schemes be advised for lightening the public burdens? will you resort to these low and pitiful shifts? will you dare even to mention these dishonest artifices to eke out your expenses when the public treasure is lavished on Turks and infidels; on singing boys, and dancing girls; to furnish the means of bestiality to an African barbarian?

Gentlemen say that Great Britain will count upon our divisions. How! What does she know of them?

Can they ever expect greater unanimity than prevailed at the last Presidential election? No, sir, 'tis the gentleman's own conscience that squeaks. But if she cannot calculate upon your divisions, at least she may reckon upon your pusillanimity. She may well despise the resentment that cannot be excited to honorable battle on its own ground—the mere effusion of mercantile cupidity.

Gentlemen talk of repealing the British treaty. The gentleman from Pennsylvania should have thought of that before he voted to carry it into effect. And what is all this for? A point which Great Britain will not abandon to Russia you expect her to yield to you. Russia indisputably the second power of continental Europe, with half a million of hardy troops, with sixty sail of the line, thirty millions of subjects, a territory more extensive even than our own—Russia, sir, the storehouse of the British navy—whom it is not more the policy and the interest than the sentiment of that government to soothe and to conciliate; her sole hope of a diversion on the Continent—her only efficient ally. What this formidable power cannot obtain with fleets and armies you will command by writ—with pot-hooks and hangers.

I am for no such policy. True honor is always the same. Before you enter into a contest, public or private, be sure you have fortitude enough to go through with it. If you mean war, say so, and prepare for it.

Look on the other side—behold the respect in which France holds neutral rights on land—observe her conduct in regard to the Franconian estates of the King of Prussia: I say nothing of the petty powers—of the

Elector of Baden, or of the Swiss: I speak of a first-rate monarchy of Europe, and at a moment too when its neutrality was the object of all others nearest to the heart of the French Emperor. If you make him monarch of the ocean you may bid adieu to it forever.

You may take your leave, sir, of navigation—even of the Mississippi. What is the situation of New Orleans if attacked to-morrow? Filled with a discontented and ripening people, whose language, manners, and religion all incline them to the invader—a dissatisfied people, who despise the miserable governor you have set over them—whose honest prejudices and basest passions alike take part against you. I draw my information from no dubious source—from a native American, an enlightened member of that odious and imbecile government. You have official information that the town and its dependencies are utterly defenceless and untenable—a firm belief that, apprised of this, government would do something to put the place in a state of security, alone has kept the American portion of that community quiet. You have held that post—you now hold it—by the tenure of the naval predominance of England, and yet you are for a British naval war.

There are now two great commercial nations. Great Britain is one—we are the other. When you consider the many points of contact between your interests, you may be surprised that there has been so little collision. Sir, to the other belligerent nations of Europe your navigation is a convenience, I might say a necessary. If you do not carry for them they must starve, at least for the luxuries of life, which custom has rendered almost indispensable. And if you cannot act with some

degree of spirit towards those who are dependent upon you as carriers, do you reckon to browbeat a jealous rival who, the moment she lets slip the dogs of war, sweeps you, at a blow, from the ocean? And *cui bono?* for whose benefit?—The planter? Nothing like it. The fair, honest, real American merchant? No, sir—for renegadoes; to-day American—to-morrow, Danes. Go to war when you will, the property now covered by the American will then pass under the Danish or some other neutral flag. Gentlemen say that one English ship is worth three of ours: we shall therefore have the advantage in privateering. Did they ever know a nation get rich by privateering?

This is stuff for the nursery. Remember that your products are bulky—as has been stated—that they require a vast tonnage. Take these carriers out of the market—what is the result? The manufacturers of England, which (to use a finishing touch of the gentleman's rhetoric) have received the finishing stroke of art, lie in a small comparative compass. The neutral trade can carry them. Your produce rots in the warehouse—you go to Statia or St. Thomas's, and get a striped blanket for a joe, if you can raise one—double freight, charges, and commissions. Who receives the profit?—The carrier. Who pays it?—The consumer.

All your produce that finds its way to England must bear the same accumulated charges, with this difference: that there the burden falls on the home price. I appeal to the experience of the last war, which has been so often cited. What, then, was the price of produce and of broadcloth?

But you are told England will not make war—she has her hands full. Holland calculated in the same way in 1781. How did it turn out? You stand now in the place of Holland, then—without her navy, unaided by the preponderating fleets of France and Spain, to say nothing of the Baltic powers. Do you want to take up the cudgels where these great maritime powers have been forced to drop them? to meet Great Britain on the ocean and drive her off its face? If you are so far gone as this, every capital measure of your policy has hitherto been wrong. You should have nurtured the old and devised new systems of taxation—have cherished your navy. Begin this business when you may, land taxes, stamp acts, window taxes, hearth money, excise, in all its modifications of vexation and oppression, must precede or follow after.

But, sir, as French is the fashion of the day, I may be asked for my *projet*. I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain, although I am ready to meet her at Cow-pens or Bunker's Hill. And for this plain reason.

We are a great land animal, and our business is on shore. I will send her no money, sir, on any pretext whatsoever, much less on pretence of buying Labrador or Botany Bay, when my real object was to secure limits which she formally acknowledged at the peace of 1783. I go further—I would (if anything) have laid an embargo. This would have got our own property home and our adversary's into our power. If there is any wisdom left among us the first step toward hostility will always be an embargo. In six

months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it. Without such a precaution, go to war when you will, you go to the wall. As to debts, strike the balance to-morrow, and England is, I believe, in our debt.

I hope, sir, to be excused for proceeding in this desultory course. I flatter myself I shall not have occasion again to trouble you—I know not that I shall be able—certainly not willing, unless provoked in self-defence. I ask your attention to the character of the inhabitants of that southern country on whom gentlemen rely for the support of their measure. Who and what are they? A simple agricultural people, accustomed to travel in peace to market with the produce of their labor. Who takes it from us?

Another people devoted to manufactures—our sole source of supply. I have seen some stuff in the newspapers about manufactures in Saxony, and about a man who is no longer the chief of a dominant faction. The greatest man whom I ever knew—the immortal author of the letters of Curtius—has remarked the proneness of cunning people to wrap up and disguise, in well-selected phrases, doctrines too deformed and detestable to bear exposure in naked words; by a judicious choice of epithets to draw the attention from the lurking principle beneath and perpetuate delusion. But a little while ago, and any man might be proud to be considered as the head of the republican party. Now, it seems, 'tis reproachful to be deemed the chief of a dominant faction.

Mark the magic words! Head, chief. Republican party, dominant faction. But as to these Saxon manu-

factures. What became of their Dresden china? Why, the Prussian bayonets have broken all the pots, and you are content with Worcestershire or Staffordshire ware. There are some other fine manufactures on the Continent, but no supply, except, perhaps, of linens, the articles we can best dispense with. A few individuals, sir, may have a coat of Louviers cloth, or a service of Sèvres china; but there is too little, and that little too dear, to furnish the nation. You must depend on the fur trade in earnest, and wear buffalo hides and bear skins.

Can any man who understands Europe pretend to say that a particular foreign policy is now right because it would have been expedient twenty or even ten years ago, without abandoning all regard for common sense? Sir, it is the statesman's province to be guided by circumstances, to anticipate, to foresee them, to give them a course and a direction, to mold them to his purpose.

It is the business of a counting-house clerk to peer into the day-book and ledger, to see no further than the spectacles on his nose, to feel not beyond the pen behind his ear, to chatter in coffee-houses, and be the oracle of clubs. From 1783 to 1793, and even later (I don't stickle for dates), France had a formidable marine—so had Holland—so had Spain. The two first possessed thriving manufactures and a flourishing commerce. Great Britain, tremblingly alive to her manufacturing interests and carrying trade, would have felt to the heart any measure calculated to favor her rivals in these pursuits; she would have yielded then to her fears and her jealousy alone.

What is the case now? She lays an export duty on her manufactures, and there ends the question. If Georgia shall (from whatever cause) so completely monopolize the culture of cotton as to be able to lay an export duty of three per cent upon it, besides taxing its cultivators in every other shape that human or infernal ingenuity can devise, is Pennsylvania likely to rival her or take away the trade?

But, sir, it seems that we who are opposed to this resolution are men of no nerves—who trembled in the days of the British treaty—cowards (I presume) in the reign of terror! Is this true? Hunt up the journals; let our actions tell. We pursue our unshaken course. We care not for the nations of Europe, but make foreign relations bend to our political principles and subserve our country's interest. We have no wish to see another Actium, or Pharsalia, or the lieutenants of a modern Alexander playing at piquet or all-fours for the empire of the world. 'Tis poor comfort to us to be told that France has too decided a taste for luxurious things to meddle with us; that Egypt is her object, or the coast of Barbary, and at the worst we shall be the last devoured.

We are enamored with neither nation—we would play their own game upon them, use them for our interest and convenience. But with all my abhorrence of the British government I should not hesitate between Westminster Hall and a Middlesex jury on the one hand, and the wood of Vincennes and a file of grenadiers, on the other. That jury trial which walked with Horne Tooke and Hardy through the flames of

ministerial persecution is, I confess, more to my taste than the trial of the Duke d'Enghien.

Mr. Chairman, I am sensible of having detained the committee longer than I ought—certainly much longer than I intended. I am equally sensible of their politeness, and not less so, sir, of your patient attention. It is your own indulgence, sir, badly requited indeed, to which you owe this persecution. I might offer another apology for these undigested, desultory remarks; my never having seen the treasury documents. Until I came into the House this morning I have been stretched on a sick bed.

But when I behold the affairs of this nation, instead of being where I hoped, and the people believed they were, in the hands of responsible men, committed to Tom, Dick, and Harry—to the refuse of the retail trade of politics—I do feel, I cannot help feeling, the most deep and serious concern. If the executive government would step forward and say, "Such is our plan, such is our opinion, and such are our reasons in support of it," I would meet it fairly, would openly oppose or pledge myself to support it. But without compass or polar star I will not launch into an ocean of unexplored measures which stand condemned by all the information to which I have access. The constitution of the United States declares it to be the province and duty of the President "to give to Congress, from time to time, information of the state of the Union, and recommend to their consideration such measures as he shall judge expedient and necessary." Has he done it? I know, sir, that we may say, and do say, that we are independent (would it were true);

as free to give a direction to the executive as to receive it from him. But do what you will, foreign relations—every measure short of war, and even the course of hostilities—depend upon him. He stands at the helm and must guide the vessel of state.

You give him money to buy Florida and he purchases Louisiana. You may furnish means—the application of those means rests with him. Let not the master and mate go below when the ship is in distress, and throw the responsibility upon the cook and the cabin-boy. I said so when your doors were shut: I scorn to say less now that they are open. Gentlemen may say what they please. They may put an insignificant individual to the ban of the Republic; I shall not alter my course. I blush with indignation at the misrepresentations which have gone forth in the public prints of our proceedings, public and private. Are the people of the United States, the real sovereigns of the country, unworthy of knowing what, there is too much reason to believe, has been communicated to the privileged spies of foreign governments?

I think our citizens just as well entitled to know what has passed as the Marquis Yrujo, who has bearded your President to his face, insulted your government within its own peculiar jurisdiction, and outraged all decency. Do you mistake this diplomatic puppet for an automaton? He has orders for all he does. Take his instructions from his pocket to-morrow, they are signed "Charles Maurice Talleyrand."

Let the nation know what they have to depend upon. Be true to them, and trust me, they will prove true to themselves and to you. The people are honest; now

at home at their plows, not dreaming of what you are about. But the spirit of inquiry that has too long slept will be, must be, awakened. Let them begin to think; not to say such things are proper because they have been done, but, what has been done? and wherefore?—and all will be right.

Wirt, William, a famous American lawyer and orator, born at Bladensburg, Md., Nov. 8, 1772; died in Washington, D. C., Feb. 8, 1634. He was admitted to the Virginia bar in 1792, and practised his profession in Richmond for a series of years, where his first distinction was won at the trial of Aaron Burr for treason in 1807. His eloquence on that memorable occasion gave him a national reputation. He was Attorney-General of the United States 1817-29, and after retiring from this office he removed to Baltimore, where he practised his profession, and also in the Supreme Court at Washington. Wirt was one of the ablest lawyers of his day as well as one of the most eloquent.

SPEECH IN THE TRIAL OF AARON BURR.

[In May, 1807, Aaron Burr was arraigned in the Circuit Court of the United States, held at Richmond, Virginia, for treason in preparing the means of a military expedition against the possessions of the King of Spain, with whom the United States were at peace. Under the direction of President Jefferson Mr. Wirt was retained to assist the United States attorney in the prosecution, and in the course of the trial he spoke as follows:]

May it Please Your Honors,—It is my duty to proceed, on the part of the United States, in opposing this motion. But I should not deem it my duty to oppose it if it were founded on correct principles. I stand here with the same independence of action which belongs to the attorney of the United States; and as he would certainly relinquish the prosecution the moment he became convinced of its injustice, so also most certainly would I. The humanity and justice of this nation would revolt at the idea of a prosecution pushed on against a life which stood protected by the laws;

but whether they would or not, I would not plant a thorn, to rankle for life in my heart, by opening my lips in support of a prosecution which I felt and believed to be unjust.

But believing, as I do, that this motion is not founded in justice, that it is a mere manœuvre to obstruct the inquiry, to turn it from the proper course, to wrest the trial of the facts from the proper tribunal, the jury, and embarrass the court with a responsibility which it ought not to feel, I hold it my duty to proceed—for the sake of the court, for the sake of vindicating the trial by jury, now sought to be violated, for the sake of full and ample justice in this particular case, for the sake of the future peace, union, and independence of these States, I feel it my bounden duty to proceed. In doing which I beg that the prisoner and his counsel will recollect the extreme difficulty of clothing my argument in terms which may be congenial with their feelings.

The gentlemen appear to me to feel a very extraordinary and unreasonable degree of sensibility on this occasion. They seem to forget the nature of the charge and that we are the prosecutors. We do not stand here to pronounce a panegyric on the prisoner, but to urge on him the crime of treason against his country. When we speak of treason we must call it treason. When we speak of a traitor we must call him a traitor. When we speak of a plot to dismember the Union, to undermine the liberties of a great portion of the people of this country, and subject them to a usurper and a despot, we are obliged to use the terms which convey those ideas.

Why then are gentlemen so sensitive? Why on these occasions, so necessary, so unavoidable, do they shrink back with so much agony of nerve, as if, instead of a hall of justice, we were in a drawing-room with Colonel Burr and were barbarously violating towards him every principle of decorum and humanity?

Mr. Wickham has, indeed, invited us to consider the subject abstractly, and we have been told that it is expected to be so considered; but, sir, if this were practicable, would there be no danger in it? Would there be no danger, while we were mooting points, pursuing ingenious hypotheses, chasing elementary principles over the wide extended plains and Alpine heights of abstract law, that we should lose sight of the great question before the court?

This may suit the purposes of the counsel for the prisoner; but it does not, therefore, necessarily suit the purposes of truth and justice. It will be proper, when we have derived a principle from law or argument, that we should bring it to the case before the court, in order to test its application and its practical truth. In doing which we are driven into the nature of the case and must speak of it as we find it.

But, besides, the gentlemen have themselves rendered this totally abstract argument completely impossible; for one of their positions is that there is no overt act proven at all. Now, that an overt act consists of fact and intention has been so often repeated here that it has a fair title to Justice Vaughan's epithet of a "decantatum." In speaking then of this overt act we are compelled to inquire, not merely into the fact

of the assemblage, but the intention of it; in doing which we must examine and develop the whole project of the prisoner. It is obvious, therefore, that an abstract examination of this point cannot be made; and since the gentlemen drive us into the examination they cannot complain if, without any softening of lights or deepening of shades, we exhibit the picture in its true and natural state.

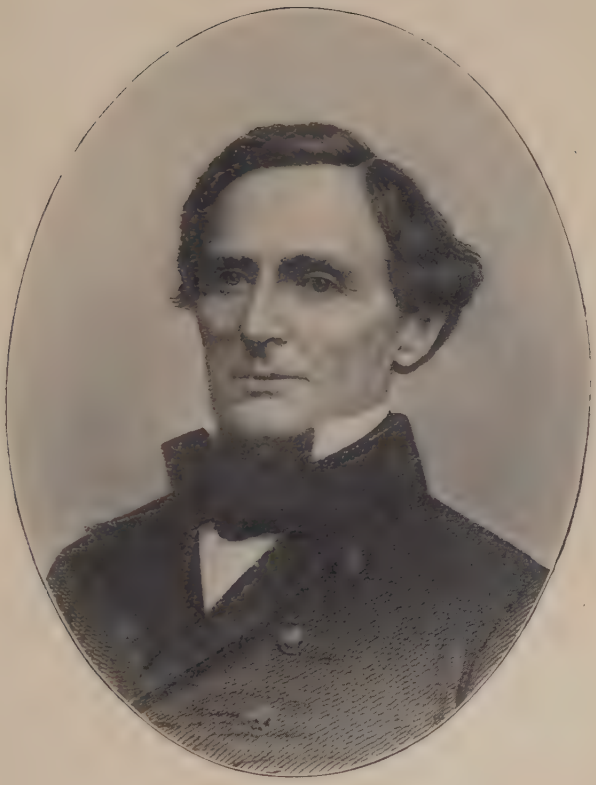
This motion is a bold and original stroke in the noble science of defence. It marks the genius and hand of a master. For it gives to the prisoner every possible advantage, while it gives him the full benefit of his legal defence—the sole defence which he would be able to make to the jury if the evidence were all introduced before them. It cuts off from the prosecution all that evidence which goes to connect the prisoner with the assemblage on the island, to explain the destination and objects of the assemblage, and to stamp beyond controversy the character of treason upon it. Connect this motion with that which was made the other day, to compel us to begin with the proof of the overt act, in which, from their zeal, gentlemen were equally sanguine, and observe what would have been the effect of success in both motions? We should have been reduced to the single fact, the individual fact, of the assemblage on the island, without any of the evidence which explains the intention and object of that assemblage. Thus gentlemen would have cut off all the evidence which carries up the plot almost to its conception, which, at all events, describes the first motion which quickened it into life, and fol-

lows its progress until it attained such strength and maturity as to throw the whole eastern country into consternation.

maturity as to throw the whole western country into should have been reduced to the speck, the atom which relates to Blennerhassett's Island. General Eaton's deposition (hitherto so much and so justly revered as to its subject), standing by itself would have been without the powerful fortification derived from the corroborative evidence of Commodore Truxton and the still stronger and most extraordinary coincidence of the Morgans. Standing alone, gentlemen would have still proceeded to speak of that affidavit as they have heretofore done; not declaring that what General Eaton had sworn was not the truth, but that it was a most marvellous story! a most wonderful tale! and thus would they have continued to seek in the bold and wild extravagance of the project itself, an argument against its existence and a refuge from public indignation.

But that refuge is taken away. General Eaton's narration stands confirmed beyond the possibility of rational doubt. But I ask what inference is to be drawn from these repeated attempts to stifle the prosecution and smother the evidence? If the views of the prisoner were, as they have been so often represented by one of his counsel, highly honorable to himself and glorious to his country, why not permit the evidence to disclose these views?

Accused as he is of high treason, he would certainly stand acquitted, not only in reason and justice, but by the maxims of the most squeamish modesty, in show-



JEFFERSON DAVIS.

ing us by evidence all this honor and this glory which his scheme contained.

No, sir, it is not squeamish modesty; it is not fastidious delicacy that prompts these repeated efforts to keep back the evidence; it is apprehension; it is alarm; it is fear; or rather it is the certainty that the evidence, whenever it shall come forward, will fix the charge; and if such shall appear to the court to be the motive of this motion, your honors, I well know, will not be disposed to sacrifice public justice, committed to your charge, by aiding this stratagem to elude the sentence of the law; you will yield to the motion no further than the rigor of legal rules shall imperiously constrain you.

I shall proceed now to examine the merits of the motion itself, and to answer the argument of the gentleman [Mr. Wickham], who opened it. I will treat that gentleman with candor. If I misrepresent him, it will not be intentionally. I will not follow the example which he has set me on a very recent occasion. I will not complain of flowers and graces where none exist. I will not, like him, in reply to an argument as naked as a sleeping Venus, but certainly not half so beautiful, complain of the painful necessity I am under, in the weakness and decrepitude of logical vigor, of lifting first this flounce and then that furbelow before I can reach the wished-for point of attack. I keep no flounces or furbelows ready manufactured and hung up for use in the millinery of my fancy, and if I did, I think I should not be so indiscreetly impatient to get rid of my wares as to put them off on improper occasions.

I cannot promise to interest you by any classical and elegant allusions to the pure pages of "Tristram Shandy." I cannot give you a squib or a rocket in every period. For my own part, I have always thought these flashes of wit (if they deserve that name), I have always thought these meteors of the brain, which spring up with such exuberant abundance in the speeches of that gentleman, which play on each side of the path of reason, or, sporting across it with fantastic motion, decoy the mind from the true point in debate, no better evidence of the soundness of the argument with which they are connected, nor, give me leave to add, the vigor of the brain from which they spring, than those vapors which start from our marshes and blaze with a momentary combustion, and which, floating on the undulations of the atmosphere, beguile the traveler into bogs and brambles, are evidence of the firmness and solidity of the earth from which they proceed.

I will endeavor to meet the gentleman's propositions in their full force and to answer them fairly. I will not, as I am advancing towards them with my mind's eye, measure the height, breadth, and power of the proposition; if I find it beyond my strength, halve it; if still beyond my strength, quarter it, if still necessary, subdivide it into eighths; and when by this process I have reduced it to the proper standard take one of these sections and toss it, which an air of elephantine strength and superiority.

If I find myself capable of conducting, by a fair course of reasoning, any one of his propositions to an absurd conclusion, I will not begin by stating that

absurd conclusion as the proposition itself which I am going to encounter. I will not, in commenting on the gentleman's authorities, thank the gentleman, with sarcastic politeness for introducing them, declare that they conclude directly against him, read just so much of the authority as serves the purpose of that declaration, omitting that which contains the true point of the case which makes against me; nor, if forced by a direct call to read that part also, will I content myself by running over it as rapidly and inarticulately as I can, throw down the book with a theatrical air, and exclaim "Just as I said," when I know it is just as I had not said.

I know that by adopting these arts I might raise a laugh at the gentleman's expense; but I should be very little pleased with myself if I were capable of enjoying a laugh procured by such means. I know, too, that by adopting such arts there will always be those standing around us who have not comprehended the whole merits of the legal discussion, with whom I might shake the character of the gentleman's science and judgment as a lawyer. I hope I shall never be capable of such a wish, and I had hoped that the gentleman himself felt so strongly that proud, that high, aspiring, and ennobling magnanimity which I had been told conscious talents rarely fail to inspire, that he would have disdained a poor and fleeting triumph gained by means like these.

I proceed now to answer the several points of his argument, so far as they could be collected from the general course of his speech. I say, so far as they could be collected; for the gentleman, although re-

quested before he began, refused to reduce his motion to writing. It suited better his partisan style of warfare to be perfectly at large; to change his ground as often as he pleased; on the plains of Monmouth to-day, at the Eutaw Springs to-morrow. He will not censure me, therefore, if I have not been correct in gathering his points from a desultory discourse of four or five hours' length, as it would not have been wonderful if I had misunderstood him. I trust, therefore, that I have been correct; it was my intention to be so; for I can see neither pleasure nor interest in misrepresenting any gentleman; and I now beg the court, and the gentleman, if he will vouchsafe it, to set me right if I have misconceived him.

I understood him, then, sir, to resist the introduction of further evidence under this indictment by making four propositions.

First. Because Aaron Burr, not being on the island at the time of the assemblage, cannot be a principal in the treason, according to the constitutional definition of the laws of England.

Second. Because the indictment must be proved as laid; and as the indictment charges the prisoner with levying war, with an assemblage on the island, no evidence to charge him with that act, by relation, is relevant to this indictment.

Third. Because, if he be a principal in the treason at all, he is a principal in the second degree; and, his guilt being of that kind which is termed derivative, no parol evidence can be let in to charge him until

we shall show a record of the conviction of the principals in the first degree.

Fourth. Because no evidence is relevant to connect the prisoner with others, and thus to make him a traitor by relation, until we shall previously show an act of treason in these others; and the assemblage on the island was not an act of treason.

I beg leave to take up these propositions in succession, and to give them those answers which to my mind are satisfactory. Let us examine the first: it is because Aaron Burr, not being present on the island at the time of the assemblage, cannot be a principal in the treason within the constitutional definition or the laws of England.

In many of the gentleman's general propositions I perfectly accord with him: as that the constitution was intended to guard against the calamities to which Montesquieu refers when he speaks of the victims of treason; that the constitution intended to guard against arbitrary and constructive treasons; that the principles of sound reason and liberty require their exclusion; and that the constitution is to be interpreted by the rules of reason and moral right.

I fear, however, that I shall find it difficult to accommodate both the gentlemen who have spoken in support of the motion, and to reconcile some of the positions of Mr. Randolph to the rules of Mr. Wickham; for, while the one tells us to interpret the constitution by sound reason, the other exclaims, "Save us from the deductions of common sense." What rule then shall I adopt? A kind of reason which is not common

sense might indeed please both the gentlemen; but, as that is a species of reason of which I have no very distinct conception, I hope the gentlemen will excuse me for not employing it. Let us return to Mr. Wickham.

Having read to us the constitutional definition of treason, and given us the rule by which it was to be interpreted, it was natural to expect that he would have proceeded directly to apply that rule to the definition and give us the result. But while we were expecting this, even while we have our eyes on the gentleman, he vanishes like a spirit from American ground, and we see him no more until we see him in England, resurging by a kind of intellectual magic in the middle of the sixteenth century, complaining most dolefully of my Lord Coke's bowels.

Before we follow him in this excursion it may be well to inquire what it was that induced him to leave the regular track of his argument. I will tell you what it was. It was, sir, the decision of the supreme court in the case of Bollman and Swartout. It was the judicial exposition of the constitution by the highest court in the nation, upon the very point which the gentleman was considering, which made him take this flight to England; because it stared him in the face and contradicted his position.

Sir, if the gentleman had believed this decision to be favorable to him, we should have heard of it in the beginning of his argument; for the path of inquiry in which he was led him directly to it.

Interpreting the American constitution, he would have preferred no authority to that of the supreme

court of the country. Yes, sir, he would have immediately seized this decision with avidity. He would have set it before you in every possible light. He would have illustrated it. He would have adorned it. You would have seen it under the action of his genius appear with all the varying grandeur of our mountains in the morning sun. He would not have relinquished it for the common law, nor have deserted a rock so broad and solid, to walk upon the waves of the Atlantic.

But he knew that this decision closed against him completely the very point which he was laboring. Hence it was that the decision was kept so sedulously out of view until from the exploded materials of the common law he thought he had reared a Gothic edifice so huge and so dark as quite to overshadow and eclipse it. Let us bring it from this obscurity into the face of day. We who are seeking truth and not victory, whether right or wrong, have no reason to turn our eyes from any source of light which presents itself, and least of all from a source so high and so respectable as the decision of the supreme court of the United States.

The inquiry is, whether presence at the overt act be necessary to make a man a traitor? The gentlemen say that it is necessary; that he cannot be a principal in the treason without actual presence. What says the supreme court in the case of Bollman and Swartout?

"It is not the intention of the court to say that no individual can be guilty of this crime who has not

appeared in arms against his country; on the contrary, if war be actually levied, that is, if a body of men be assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however removed from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors."

Here then we find the court so far from requiring presence that it expressly declares that, however remote the accused may have been from the scene of the treasonable assemblage, he is still involved in the guilt of that assemblage, his being leagued in the general conspiracy was sufficient to make the act his own.

The supreme court, being of that opinion, proceeded to an elaborate examination of the evidence, to ascertain whether there had been a treasonable assemblage. It looked to the depositions of General Eaton and General Wilkinson, the ciphered letter, the declaration of Swartout that Burr was levying an armed body of seven thousand men; and it looked to these parts of the evidence expressly for the purpose of discovering whether it were probable that Burr had actually brought these men together; not whether Bollman and Swartout were present at any such assemblage.

It knew that, if any such assemblage had taken place, Bollman and Swartout must have been at that time at the city of Orleans, or on their way thither; indeed the whole reasoning of the court proceeded on the fact, as admitted, of the prisoner's absence. Why, then, the laborious investigation which the court makes as to the probability of Burr having brought

his men or any part of them together, unless the guilt of that assemblage were to be imputed to Bollman and Swartout? If their absence were sufficient to excuse them, that fact was admitted, and the inquiry would have been a very short one. But, the court having previously decided that the fact of presence or absence was unimportant, that it made no odds how far distant the accused might be from the treasonable assemblage, it became the unavoidable duty of the court to proceed to the inquiry whether any such assemblage had taken place; and if the evidence had manifested that fact to its satisfaction, it is clear that, in the opinion of that court, the prisoners would have been as deeply involved in the guilt of that assemblage as any of those who actually composed it.

The counsel knew that their first point was met directly by the counter authority of the supreme court. They have impliedly, if not expressly, admitted it; hence they have been reduced to the necessity of taking the bold and difficult ground that the passage which I have read is extra-judicial, a mere *obiter dictum*. They have said this, but they have not attempted to show it.

Give me leave to show that they are mistaken; that it is not an *obiter dictum*, that it is not extra-judicial; but that it is a direct adjudication of a point immediately before the court. What were the questions before the court? The court made no formal division of this subject, but these questions are necessarily and irresistibly involved in it. It must first be observed that the arrest of Bollman and Swartout at New Orleans, and that the fact that they had not been pres-

ent at any assemblage of the traitors in arms, were notorious and admitted. The case then presented to the court three distinct questions.

First. Has Aaron Burr committed treason, or has he been engaged or leagued in any treasonable conspiracy?

Second. Were Bollman and Swartout connected with him?

Third. Could they be guilty of treason without being actually present? Now, if the court had been satisfied that there had been an overt act, and that these men were leagued in the conspiracy which produced it, still it would have remained a distinct and substantive question whether their absence from the overt act and their having no immediate hand in it did not discharge them from the constitutional guilt of levying war; for, though leagued in the conspiracy, and although there might have been an overt act, these men would have been innocent if presence at the overt act were necessary to make them guilty.

The question then, of presence or absence, was a question really presented by the case of Bollman and Swartout. It was one important to the decision of the case, and the court, thinking it so, did consider and decide it in direct opposition to the principle contended for on the other side.

A plain man would imagine that when the supreme court had taken up and decided the case its decision would form a precedent on the subject; and, having that authority on my side, I should suppose that I might safely dismiss the gentleman's first point. But Mr. Randolph seems to think it very doubtful whether

you ought to be bound by that authority, and that you must be very much embarrassed to have to decide it, even admitting it to be a regular judicial determination of this question; for he made a very pathetic and affecting apostrophe to the situation in which you would be placed if you differed from this opinion of the supreme court.

I see no difficulty in the case if our laws are to be uniform. How can the inferior court control the decisions of the superior court? You are but a branch of the supreme court. If you, sir, sitting as a circuit court, have a right to disregard the rule decided by the supreme court, and adopt a different rule, every other inferior court has an equal right to do the same, so that there will be as many various rules as to treason as there are courts; and the result might be, and certainly would be, that what would be treason in one circuit would not be treason in another; and a man might be hanged in Pennsylvania for an act against the United States of which he would be held perfectly innocent in Virginia.

Thus treason against the United States would still be unsettled and fluctuating, and the object of the constitution in defining it would be disappointed and defeated; whereas a principle of law solemnly adjudged by the supreme court becomes, I apprehend, the law of the land; and all the inferior courts are compulsorily bound by it. To say that they are not is to disorganize the whole judiciary system, to confound the distinction and grades of the courts, to banish all certainty and stability from the law, and to destroy all uniformity of decision. I trust that we are

not prepared to rush into this wild disorder and confusion, but that we shall temperately and regularly conform to the decrees of that parent court, of which this is a mere branch, until those decrees shall be changed by the same high authority which created them.

But for a moment let us relinquish that decision, and, putting it aside, let us indulge the gentleman with the inquiry whether that decision be in conformity with the constitution of the United States and the laws of England. In interpreting the constitution let us apply to it the gentleman's own principles: the rules of reason and moral right. The question to be thus determined is whether a man who is absent may not be guilty as if he were actually present.

That a law should be so construed as to advance the remedy and repress the mischief is not more a rule of common law than a principle of reason; it applies to penal as well as to remedial laws. So also the maxim of the common law, that a law as well as a covenant should be so construed that its object may rather prevail than perish, is one of the plainest dictates of common sense.

Apply these principles to the constitution. Gentlemen have said that its object was to prevent the people from being harassed by arbitrary and constructive treason. But its object, I presume, was not to declare that there was no such crime. It certainly did not mean to encourage treason. It meant to recognize the existence of the crime and provide for its punishment. The liberties of the people, which required that the offence should be defined, circumscribed, and limited,

required also that it should be certainly and adequately punished.

The framers of the constitution, informed by the examples of Greece and Rome, and foreseeing that the liberties of this Republic might one day or other be seized by the daring ambition of some domestic usurper, have given peculiar importance and solemnity to the crime by engrafting it upon the constitution. But they have done this in vain if the construction contended for on the other side is to prevail. If it require actual presence at the scene of the assemblage to involve a man in the guilt of treason, how easy will it be for the principal traitor to avoid this guilt and escape punishment forever! He may go into distant States, from one State to another. He may secretly wander, like a demon of darkness, from one end of the continent to the other.

He may enter into the confidence of the simple and unsuspecting. He may pour his poison into the minds of those who were before innocent. He may seduce them into a love of his person, offer them advantages, pretend that his measures are honorable and beneficial, connect them in his plot and attach them to his glory. He may prepare the whole mechanism of the stupendous and destructive engine and put it in motion. Let the rest be done by his agents. He may then go a hundred miles from the scene of action. Let him keep himself only from the scene of the assemblage and the immediate spot of battle, and he is innocent in law, while those whom he has deluded are to suffer the death of traitors! Who is the most guilty of this treason, the poor, weak, deluded instruments, or the art-

ful and ambitious man who corrupted and misled them? There is no comparison between his guilt and theirs; and yet you secure impunity to him while they are to suffer death! Is this according to the rules of reason? Is this moral right? Is this a means of preventing treason? Or rather, is it not in truth a direct invitation to it? Sir, it is obvious that neither reason nor moral rights require actual presence at the overt act to constitute the crime of treason. Put this case to any common man, whether the absence of a corrupter should exempt him from punishment for the crime which he has excited his deluded agents to commit; and he will instantly tell you that he deserves infinitely more severe punishment than his misguided instruments. There is a moral sense much more unerring in questions of this sort than the frigid deductions of jurists or philosophers; and no man of a sound mind and heart can doubt for a moment between the comparative guilt of Aaron Burr (the prime mover of the whole mischief), and the poor men on Blennerhassett's Island, who called themselves Burr's men. In the case of murder, who is the most guilty, the ignorant, deluded perpetrator, or the abominable instigator? The decision of the supreme court, sir, is so far from being impracticable on the ground of reason and moral right, that it is supported by their most obvious and palpable dictates.

Give to the constitution the construction contended for on the other side, and you might as well expunge the crime from your criminal code; nay, you had better do it, for by this construction you hold out the lure of impunity to the most dangerous men in the

community, men of ambition and talents, while you loose the vengeance of the law on the comparatively innocent. If treason ought to be repressed, I ask you who is the most dangerous and the most likely to commit it—the mere instrument who applies the force, or the daring, aspiring, elevated genius who devises the whole plot, but acts behind the scenes? . . .

I come now, sir, to the gentleman's third point, in which he says he cannot possibly fail. It is this:

"Because, if the prisoner be a principal in the treason at all, he is a principal in the second degree; and, his guilt being of that kind which is termed derivative, no further parol evidence can be let in to charge him until we show a record of the conviction of the principals in the first degree."

By this I understand the gentleman to advance, in other terms, the common-law doctrine that when a man is rendered a principal in treason by acts which would make him an accessory in felony he cannot be tried before the principal in the first degree.

I understand this to be the doctrine of the common law as established by all the authorities; but when I concede this point I insist that it can have no effect in favor of the accused for two reasons: first, because it is the mere creature of the common law; secondly, because, if the common law of England be our law, this position assumes what is denied, that the conduct of the prisoner in this case is of an accessorial nature, or such as would make him an accessory in felony.

First. Because this position is the mere creature

of the common law. If it be so, no consequence can be deduced from it. It is sufficient, on this branch of the subject, to take his own declaration that the common law does not exist in this country. If we examine the constitution and the act of Congress we shall find that this idea of a distinction between principals in the first and second degree depends entirely upon the common law. Neither the constitution nor the act of Congress knows any such distinction.

All who levy war against the United States whether present or absent—all who are leagued in the conspiracy, whether on the spot of the assemblage or performing some minute and inconsiderable part in it a thousand miles from the scene of action—incur equally the sentence of the law; they are all equally traitors. This scale, therfore, which graduates the guilt of the offenders and establishes the order of their respective trials, if it ever existed here, is completely abrogated by the highest authorities in this country. The convention which formed the constitution and defined treason, Congress which legislated on that subject, and the supreme judiciary of the country expounding the constitution and the law, have united in its abrogation.

But let us for a moment put the convention, Congress, and judiciary aside, and examine how the case will stand. Still this scale of moral guilt, which Mr. Wickham has given us, is the creature of the common law, which, as already observed, he himself in another branch of his argument has emphatically told us does not exist in this country. He has stated that the creature presupposes the creator, and that where the creator does not exist the creature cannot.

The common law, then, being the creator of the rule which Mr. Wickham has given us, and that common law not existing in this country, neither can the rule, which is the mere creature of it, exist in this country. So that the gentleman has himself furnished the argument which refutes this infallible point of his, on which he has so much relied. But to try this position to its utmost extent, let us not only put aside the constitution and act of Congress and decision of the supreme court, but let us admit that the common law does exist here. Still, before the principle could apply, it would remain to be proven that the conduct of the prisoner in this case has been accessorial; or, in other words, that his acts in relation to this treason are of such a nature as would make him an accessory in felony.

But is this the case? It is a mere *petitio principii*. It is denied that his acts are such as would make him an accessory in felony. I have already, in another branch of this subject, endeavored to show, on the grounds of authority and reason, that a man might be involved in the guilt of treason as a principal, by being legally though not actually present; that treason occupied a much wider space than felony; that the scale of proximity between the accessory and principal must be extended in proportion to the extent of the theatre of the treason; and that, as the prisoner must be considered as legally present, he could not be an accessory but a principal. If I have succeeded in this, I have in fact proved that his conduct cannot be deemed accessorial.

But an error has taken place from considering the

scene of the overt act as the theatre of the treason, from mistaking the overt act of the treason itself, and consequently from referring the conduct of the prisoner to the acts on the island. The conduct of Aaron Burr has been considered in relation to the overt act on Blennerhassett's Island only; whereas it ought to be considered in connection with the grand design, the deep plot of seizing Orleans, separating the Union, and establishing an independent empire in the west, of which the prisoner was to be the chief. It ought to be recollected that these were his objects, and that the whole western country, from Beaver to Orleans, was the theatre of his treasonable operations. It is by this first reasoning that you are to consider whether he be a principal or an accessory, and not by limiting your inquiries to the circumscribed and narrow spot in the island where the acts charged happened to be performed.

Having shown, I think, on the ground of law, that the prisoner cannot be considered as an accessory, let me press the inquiry whether on the ground of reason he be a principal or accessory; and remember that his project was to seize New Orleans, separate the Union, and erect an independent empire in the west, of which he was to be the chief. This was the destination of the plot and the conclusion of the drama. Will any man say that Blennerhassett was the principal, and Burr but an accessory? Who will believe that Burr, the author and projector of the plot, who raised the forces, who enlisted the men, and who procured the funds for carrying it into execution, was made a cat's-paw of?

Will any man believe that Burr, who is a soldier, bold, ardent, restless and aspiring, the great actor whose brain conceived, and whose hand brought the plot into operation, that he should sink down into an accessory, and that Blennerhassett should be elevated into a principal? He would startle at once at the thought. Aaron Burr, the contriver of the whole conspiracy, to everybody concerned in it was as the sun to the planets which surround him. Did he not bind them in their respective orbits and give them their light their heat, and their motion? Yet he is to be considered as accessory, and Blennerhassett is to be the principal!

Let us put the case between Burr and Blennerhassett. Let us compare the two men and settle this question of precedence between them. It may save a good deal of troublesome ceremony hereafter.

Who Aaron Burr is, we have seen in part already. I will add, that beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labor contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful ardor he presents danger and glory; to ambition, rank and titles and honors; to avarice the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting-officers are appointed. Men are engaged throughout the continent.

Civil life is indeed quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with the slightest touch of his match, produce an explosion to shake the continent.

All this his restless ambition has contrived; and in the autumn of 1806 he goes forth for the last time to apply this match. On this occasion he meets with Blennerhassett.

Who is Blennerhassett? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhassett's character, that on his arrival in America he retired even from the population of the Atlantic States and sought quiet and solitude in the bosom of our western forests.

But he carried with him taste and science and wealth; and, lo, the desert smiled! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace and decorates it with every romantic embellishment of fancy. A shrubbery that Shenstone might have envied blooms around him. Music that might have charmed Calypso and her nymphs is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity, and innocence shed their mingled delights around him.

And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex, and graced with every accomplishment that can render it

irresistible, had blessed him with her love and made him the father of several children.

The evidence would convince you that this is but a faint picture of the real life. In the midst of all this peace, this innocent simplicity, and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he comes to change this paradise into a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him.

A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanor, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door, and portal, and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers.

The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhassett, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; an ardor panting for great enterprises, for all the storm and bustle and hurricane of life. In

a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain; he likes it not. His ear no longer drinks the rich melody of music; it longs for the trumpet's clangor and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him; and the angel smile of his wife which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt.

Greater objects have taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars, and garters, and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately "permitted not the winds of" summer "to visit too roughly," we find her shivering at midnight on the wintry banks of the Ohio, and mingling her tears with the torrents that froze as they fell.

Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another—this man, thus ruined and undone, and made to play a subordinate part in this grand drama of guilt and treason, this man is to be called the principal of-

fender, while he by whom he was thus plunged in misery is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity?

Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr, then, not shrink from the high destination which he has courted, and having already ruined Blennerhassett in fortune, character, and happiness forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

Upon the whole, sir, reason declares Aaron Burr the principal in this crime, and confirms herein the sentence of the law; and the gentleman, in saying that his offence is of a derivative and accessorial nature, begs the question and draws his conclusions from what, instead of being conceded, is denied. It is clear from what has been said that Burr did not derive his guilt from the men on the island, but imparted his own guilt to them; that he is not an accessory, but a principal; and therefore that there is nothing in the objection which demands a record of their conviction before we shall go on with our proof against him.

But suppose you should think otherwise, suppose you were of opinion that on principles of law and reason (notwithstanding the seeming injustice and inhumanity of considering him as inferior in guilt to them), Aaron Burr was not a principal, but an accessorial offender in the treason; would you, for that reason, stop the evidence from going to the jury! Now, to inquire whether the conduct of Aaron

Burr makes him liable as a principal or accessory is only arguing in a different shape the whole question whether he has committed an overt act of war or not. The jury are to consult and decide whether he be a principal offender or not. Whether he be a principal or accessory is a question of fact which they are sworn to decide. The court must judge of the weight of evidence before it can say that the accused is either a principal or accessory. Suppose one part of the evidence contradicts another. Is it not judging of the weight of evidence to decide whether he be a principal or accessory? If it be not, I know not what judging of the weight of evidence is. Nothing is more peculiarly within the exclusive province of the jury than the sufficiency or insufficiency of the evidence.

But the court never says that the evidence is or is not sufficient to prove what it is intended to establish. No court has such right. The course in such cases is to give instructions in a general charge to the jury after all the evidence shall have been heard. Will you, because of your impressions on this subject, from a merely partial view of the evidence, compel the jury also to decide on that necessarily partial view? If you do, do you not thereby divest the jury of their peculiar functions? Their province should not be invaded. The invasion is big with danger and terror. I trust that you will see this subject in the awful light in which it really stands, and that you will suffer the trial to take its natural course.

Mr. Martin has referred you to a number of cases from Cooper and other authors, but they do not prove the position intended. The court, in all these cases,

leaves the jury to decide on the overt act. You will find those cases to amount simply to this: a dialogue between the court and the counsel of the prisoner as to the overt act. The court was required to say whether the overt act were proved or not. There was no judicial determination. The judge merely told his opinion; but he told the jury at the same time that the decision belonged to them and not to him.

There is a wide difference between criminal and civil cases; and as it is of much more importance to preserve the trial by jury in the former, to protect the lives of the people against unjust persecutions, than in mere civil suits, to preserve the rights of property, the constitution has secured that trial in all criminal prosecutions.

Should the court interfere for the purpose of stopping the evidence and to wrest the cause from the jury in favor of the accused, would there not be a reciprocal right? If it can interfere to save the prisoner, can they not interfere equally against him? A thing unprecedented in the annals of jurisprudence. Have the counsel on either side a right to call on the other side to state all their evidence before it be introduced, and then to address the court without hearing it, if they think they have a better chance before the court than the jury? Has either party a right to substitute the court for the jury, or the jury for the court, at pleasure; to address the court on facts, or the jury on points of law? Such an attempt would not be a greater encroachment on the right of the proper tribunal than the present motion is on the rights of the jury.

Nott, Eliphalet, a noted American clergyman and pulpit orator, born at Ashford, Conn., June 25, 1773; died at Schenectady, N. Y., Jan. 29, 1866. He was ordained to the Presbyterian ministry in 1795 and after holding two brief pastorates became president of Union College at Schenectady in 1804, and continued in that position until his death, a period of sixty-two years. He was an able and ready public speaker, and on great occasions rose to heights of real eloquence. His funeral sermon upon the death of Hamilton, "How are the Mighty Fallen," is his most celebrated effort.

"HOW ARE THE MIGHTY FALLEN."

DELIVERED AT ALBANY, JULY 9, 1804.

THE occasion explains the choice of my subject—a subject on which I enter in obedience to your request. You have assembled to express your elegiac sorrows, and sad and solemn weeds cover you.

Before such an audience and on such an occasion I enter on the duty assigned me with trembling. Do not mistake my meaning. I tremble indeed—not, however, through fear of failing to merit your applause; for what have I to do with that when addressing the dying and treading on the ashes of the dead; not through fear of failing justly to portray the character of that great man who is at once the theme of my encomium and regret. He needs not eulogy. His work is finished, and death has removed him beyond my censure, and I would fondly hope, through grace, above my praise.

You will ask then why I tremble? I tremble to

think that I am called to attack, from this place, a crime the very idea of which almost freezes one with horror —a crime, too, which exists among the polite and polished orders of society, and which is accompanied with every aggravation; committed with cool deliberation, and openly in the face of day! But I have a duty to perform: and difficult and awful as that duty is, I will not shrink from it.

Would to God my talents were adequate to the occasion. But such as they are, I devoutly proffer them to unfold the nature and counteract the influence of that barbarous custom which like a resistless torrent is undermining the foundations of civil government, breaking down the barriers of social happiness, and sweeping away virtue, talents, and domestic felicity in its desolating course.

Another and an illustrious character—a father—a general—a statesman—the very man who stood on an eminence and without a rival among sages and heroes, the future hope of his country in danger—this man, yielding to the influence of a custom which deserves our eternal reprobation has been brought to an untimely end.

That the deaths of great and useful men should be particularly noticed is equally the dictate of reason and revelation. The tears of Israel flowed at the decease of good Josiah, and to his memory the funeral women chanted the solemn dirge. But neither examples nor arguments are necessary to wake the sympathies of a grateful people on such occasions. The death of public benefactors surcharges the heart, and it spontaneously disburdens itself by a flow of sorrows.

Such was the death of Washington; to embalm whose memory and perpetuate whose deathless fame we lent our feeble but unnecessary services.

Such, also, and more peculiarly so, has been the death of Hamilton. The tidings of the former moved us, mournfully moved us, and we wept. The account of the latter chilled our hopes and curdled our blood. The former died in a good old age; the latter was cut off in the midst of his usefulness. The former was a customary providence,—we saw in it, if I may speak so, the finger of God, and rested in his sovereignty. The latter is not attended with this soothing circumstance.

The fall of Hamilton owes its existence to mad deliberation and is marked by violence. The time, the place, the circumstances, are arranged with barbarous coolness. The instrument of death is levelled in daylight, and with well-directed skill pointed at his heart. Alas! the event has proven that it was but too well directed. Wounded, mortally wounded, on the very spot which still smoked with the blood of a favorite son, into the arms of his indiscreet and cruel friend the father fell.

Ah! had he fallen in the course of nature; or jeopardizing his life in defence of his country had he fallen —but he did not. He fell in single combat—pardon my mistake—he did not fall in single combat. His noble nature refused to endanger the life of his antagonist. But he exposed his own life. This was his crime: and the sacredness of my office forbids that I should hesitate explicitly to declare it so. He did not hesitate to declare it so himself. "My religious and

moral principles are strongly opposed to duelling." These are his words before he ventured to the field of death. "I view the late transaction with sorrow and contrition." These are his words after his return. Humiliating end of illustrious greatness! "How are the mighty fallen!" And shall the mighty thus fall? Thus shall the noblest lives be sacrificed and the richest blood be spilt? "Tell it not in Gath; publish it not in the streets of Askelon!"

Think not that the fatal issue of the late inhuman interview was fortuitous. No; the hand that guides unseen the arrow of the archer steadied and directed the arm of the duellist. And why did it thus direct it? As a solemn memento—as a loud and awful warning to a community where justice has slumbered—and slumbered—and slumbered—while the wife has been robbed of her partner, the mother of her hopes, and life after life rashly and with an air of triumph sported away.

And was there, O my God! no other sacrifice valuable enough; would the cry of no other blood reach the place of retribution and wake justice, dozing over her awful seat! But though justice should still slumber, and retribution be delayed, we, who are the ministers of that God who will judge the judges of the world, and whose malediction rests on him who does his work unfaithfully, we will not keep silence.

I feel, my brethren, how incongruous my subject is with the place I occupy. It is humiliating; it is distressing in a Christian country, and in churches consecrated to the religion of Jesus, to be obliged to attack a crime which outstrips barbarism, and would even

sink the character of a generous savage. But humiliating as it is, it is necessary. And must we then, even for a moment, forget the elevation on which grace hath placed us, and the light which the gospel sheds around us?

Must we place ourselves back in the midst of barbarism; and instead of hearers softened to forgiveness by the love of Jesus, filled with noble sentiments towards our enemies, and waiting for occasions, after the example of divinity, to do them good; instead of such hearers, must we suppose ourselves addressing hearts petrified to goodness, incapable of mercy, and boiling with revenge? Must we, O my God! instead of exhorting those who hear us to go on unto perfection, adding to virtue charity, and to charity brotherly kindness; must we, as if surrounded by an auditory just emerging out of darkness and still cruel and ferocious, reason to convince them that revenge is improper and that to commit deliberate murder is sin?

Yes, we must do this. Repeated violations of the law and the sanctuary, which the guilty find in public sentiment, prove that it is necessary.

Withdraw, therefore, for a moment, ye celestial spirits—ye holy angels accustomed to hover round these altars and listen to those strains of grace which heretofore have filled this house of God. Other subjects occupy us. Withdraw, therefore, and leave us; leave us to exhort Christian parents to restrain their vengeance, and at least to keep back their hands from blood; to exhort youth, nurtured in Christian families, not rashly to sport with life, nor lightly to wring the

widow's heart with sorrows, and fill the orphan's eye with tears.

In accomplishing the object which is before me it will not be expected, as it is not necessary, that I should give a history of duelling. You need not be informed that it originated in a dark and barbarous age. The polished Greek knew nothing of it; the noble Roman was above it. Rome held in equal detestation the man who exposed his life unnecessarily and him who refused to expose it when the public good required it. Her heroes were superior to private contests. They indulged no vengeance except against the enemies of their country. Their swords were not drawn unless her honor was in danger; which honor they defended with their swords not only, but shielded with their bosoms also, and were then prodigal of their blood. But though Greece and Rome knew nothing of duelling it exists. It exists among us: and it exists at once the most rash, the most absurd and guilty practice that ever disgraced a Christian nation.

Guilty—because it is a violation of the law. What law? The law of God,—"Thou shalt not kill." This prohibition was delivered by God himself, at Sinai, to the Jews. And, that it is of universal and perpetual obligation is manifest from the nature of the crime prohibited not only, but also from the express declaration of the Christian Lawgiver, who hath recognized its justice and added to it the sanctions of his own authority.

"Thou shalt not kill." Who? Thou, creature. I, the Creator, have given life, and thou shalt not take it away! When and under what circumstances may I

not take away life? Never, and under no circumstances without my permission. It is obvious that no discretion whatever is here given. The prohibition is addressed to every individual where the law of God is promulgated, and the terms made use of are express and unequivocal. So that life cannot be taken under any pretext, without incurring guilt, unless by a permission sanctioned by the same authority which sanctions the general law prohibiting it. From this law it is granted there are exceptions. These exceptions, however, do not result from any sovereignty which one creature has over the existence of another, but from the positive appointment of that eternal Being whose "is the world and the fulness thereof. In whose hand is the soul of every living creature, and the breath of all mankind." Even the authority which we claim over the lives of animals is not founded on a natural right, but on a positive grant made by the Deity himself to Noah and his sons. This grant contains our warrant for taking the lives of animals. But if we may not take the lives of animals without permission from God, much less may we the life of man made in his image.

In what cases, then, has the Sovereign of life given this permission? In rightful war; by the civil magistrate; and in necessary self-defence. Besides these I do not hesitate to declare that in the oracles of God there are no other. He, therefore, who takes life in any other case, under whatever pretext, takes it unwarrantably, is guilty of what the Scriptures call murder, and exposes himself to the malediction of that God who is an avenger of blood and who hath said,

"At the hand of every man's brother will I require the life of man—Whoso sheddeth man's blood, by man shall his blood be shed."

The duellist contravenes the law of God not only, but the law of man also. To the prohibition of the former have been added the sanctions of the latter. Life taken in a duel, by the common law, is murder. And where this is not the case, the giving and receiving of a challenge only is by statute considered a high misdemeanor for which the principal and his second are declared infamous and disfranchised for twenty years. Under what accumulated circumstances of aggravation does the duellist jeopardize his own life or take the life of his antagonist? I am sensible that in a licentious age, and when laws are made to yield to the vices of those who move in the higher circles, this crime is called by I know not what mild and accommodating name. But before these altars, in this house of God, what is it? It is murder—deliberate, aggravated murder. If the duellist deny this, let him produce his warrant from the Author of life for taking away from his creature the life which had been sovereignly given. If he cannot do this, beyond all controversy he is a murderer; for murder consists in taking away life without the permission and contrary to the prohibition of him who gave it.

Who is it, then, that calls the duellist to the dangerous and deadly combat? Is it God? No; on the contrary, he forbids it. Is it, then, his country? No; she also utters her prohibitory voice. Who is it then? A man of honor. And who is this man of honor? A man, perhaps, whose honor is a name; who prates with

polluted lips about the sacredness of character when his own is stained with crimes and needs but the single shade of murder to complete the dismal and sickly picture. Every transgression of the divine law implies great guilt, because it is the transgression of infinite authority. But the crime of deliberately and lightly taking life has peculiar aggravations. It is a crime committed against the written law not only, but also against the dictates of reason, the remonstrances of conscience, and every tender and amiable feeling of the heart. To the unfortunate sufferer it is the wanton violation of his most sacred rights. It snatches him from his friends and his comforts, terminates his state of trial, and precipitates him, uncalled for and perhaps unprepared, into the presence of his Judge.

You will say the duellist feels no malice. Be it so. Malice, indeed, is murder in principle. But there may be murder in reason and in fact where there is no malice. Some other unwarrantable passion or principle may lead to the unlawful taking of human life. The highwayman who cuts the throat and rifles the pocket of the passing traveller feels no malice. And could he with equal ease and no greater danger of detection have secured his booty without taking life, he would have stayed his arm over the palpitating bosom of his victim and let the plundered suppliant pass.

Would the imputation of cowardice have been inevitable to the duellist if a challenge had not been given or accepted? The imputation of want had been no less inevitable to the robber if the money of the passing traveller had not been secured. Would the duelist have been willing to have spared the life of

his antagonist if the point of honor could otherwise have been gained? So would the robber if the point of property could have been. Who can say that the motives of the one are not as urgent as the motives of the other? And the means by which both obtain the object of their wishes are the same. Thus, according to the dictates of reason, as well as the law of God, the highwayman and the duellist stand on ground equally untenable, and support their guilty havoc of the human race by arguments equally fallacious.

Is duelling guilty?—So it is absurd. It is absurd as a punishment, for it admits of no proportion to crimes: and besides, virtue and vice, guilt and innocence, are equally exposed by it to death or suffering. As a reparation it is still more absurd, for it makes the injured liable to a still greater injury. And as the vindication of personal character it is absurd even beyond madness.

One man of honor, by some inadvertence or perhaps with design, injures the sensibility of another man of honor. In perfect character the injured gentleman resents it. He challenges the offender. The offender accepts the challenge. The time is fixed. The place is agreed upon. The circumstances, with an air of solemn mania, are arranged; and the principals, with their seconds and surgeons, retire under the covert of some solitary hill, or upon the margin of some unfrequented beach, to settle this important question of honor by stabbing or shooting at each other. One or the other, or both the parties, fall in this polite and gentlemanlike contest.

And what does this prove?

It proves that one or the other, or both of them, as the case may be are marksmen. But it affords no evidence that either of them possess honor, probity, or talents. It is true that he who falls in single combat has the honor of being murdered: and he who takes his life, the honor of a murderer. Besides this, I know not of any glory which can redound to the infatuated combatants, except it be what results from having extended the circle of wretched widows and added to the number of hapless orphans. And yet, terminate as it will, this frantic meeting, by a kind of magic influence, entirely varnishes over a defective and smutty character; transforms vice to virtue, cowardice to courage; makes falsehood, truth; guilt, innocence—in one word, it gives a new complexion to the whole state of things. The Ethopian changes his skin, the leopard his spots, and the debauched and treacherous—having shot away the infamy of a sorry life—comes back from the field of perfectibility quite regenerated and, in the fullest sense, an honorable man. He is now fit for the company of gentlemen. He is admitted to that company, and should he again, by acts of vileness, stain his purity of character so nobly acquired, and should any one have the effrontery to say he has done so, again he stands ready to vindicate his honor and by another act of homicide to wipe away the stain which has been attached to it.

I might illustrate this article by example. I might produce instances of this mysterious transformation of character, in the sublime circles of moral refine-

ment, furnished by the higher orders of the fashionable world, which the mere firing of pistols has produced. But the occasion is too awful for irony. Absurd as duelling is, were it absurd only, though we might smile at the weakness and pity the folly of its abettors, there would be no occasion for seriously attacking them. But to what has been said I add that duelling is rash and presumptuous.

Life is the gift of God, and it was never bestowed to be sported with. To each the Sovereign of the universe has marked out a sphere to move in and assigned a part to act. This part respects ourselves not only, but others also. Each lives for the benefit of all.

As in the system of nature the sun shines, not to display its own brightness and answer its own convenience, but to warm, enlighten, and bless the world; so in the system of animated beings there is a dependence, a correspondence, and a relation, through an infinitely extended, dying, and reviving universe—"in which no man liveth to himself, and no man dieth to himself." Friend is related to friend; the father to his family; the individual to community. To every member of which, having fixed his station and assigned his duty, the God of nature says, "Keep this trust—defend this post." For whom? For thy friends, thy family, thy country. And having received such a charge and for such a purpose, to desert it is rashness and temerity.

Since the opinions of men are as they are, do you ask how you shall avoid the imputation of cowardice if you do not fight when you are injured? Ask your family how you will avoid the imputation of cruelty:

ask your conscience how you will avoid the imputation of guilt: ask God how you will avoid his malediction, if you do? These are previous questions. Let these first be answered, and it will be easy to reply to any which may follow them. If you only accept a challenge, when you believe in your conscience that duelling is wrong, you act the coward. The dastardly fear of the world governs you. Awed by its menaces, you conceal your sentiments, appear in disguise, and act in guilty conformity to principles not your own, and that too in the most solemn moment and when engaged in an act which exposes you to death.

But if it be rashness to accept, how passing rashness is it, in a sinner, to give a challenge? Does it become him whose life is measured out by crimes to be extreme to mark and punctilious to resent whatever is amiss in others? Must the duellist who, now, disdaining to forgive, so imperiously demands satisfaction to the uttermost—must this man himself, trembling at the recollection of his offences, presently appear a suppliant before the mercy-seat of God?

Imagine this—and the case is not imaginary—and you cannot conceive an instance of greater inconsistency or of more presumptuous arrogance. Therefore "avenge not yourselves, but rather give place unto wrath; for vengeance is mine, I will repay saith the Lord." Do you ask, then, how you shall conduct towards your enemy who hath lightly done you wrong? If he be hungry, feed him; if naked, clothe him; if thirsty, give him drink. Such, had you preferred your question to Jesus Christ, is the answer he had given

you. By observing which you will usually subdue and always act more honorably than your enemy.

I feel, my brethren, as a minister of Jesus and a teacher of his gospel, a noble elevation on this article. Compare the conduct of the Christian, acting in conformity to the principles of religion, and of the duellist, acting in conformity to the principles of honor, and let reason say which bears the marks of the most exalted greatness. Compare them, and let reason say which enjoys the most calm serenity of mind in time, and which is likely to receive the plaudit of his Judge in immortality. God, from his throne, beholds not a nobler object on his footstool than the man who loves his enemies, pities their errors, and forgives the injuries they do him. This is, indeed, the very spirit of the heavens. It is the image of his benignity whose glory fills them.

To return to the subject before us—guilty, absurd, and rash, as duelling is, it has its advocates. And had it not had its advocates—had not a strange preponderance of opinion been in favor of it, never, O lamented Hamilton; hadst thou thus fallen in the midst of thy days and before thou hadst reached the zenith of thy glory!

O that I possessed the talent of eulogy, and that I might be permitted to indulge the tenderness of friendship in paying the last tribute to his memory! O that I were capable of placing this great man before you! Could I do this, I should furnish you with an argument the most practical, the most plain, the most convincing, except that drawn from the mandate of God, that was ever furnished against duelling—that horrid

practice which has in an awful moment robbed the world of such exalted worth. But I cannot do this; I can only hint at the variety and exuberance of his excellence.

The Man, on whom nature seems originally to have impressed the stamp of greatness, whose genius beamed, from the retirement of collegiate life, with a radiance which dazzled and a loveliness which charmed the eye of sages.

The Hero, called from his sequestered retreat, whose first appearance in the field, though a stripling, conciliated the esteem of Washington, our good old father. Moving by whose side, during all the perils of the Revolution, our young chieftain was a contributor to the veteran's glory, the guardian of his person, and the co-partner of his toils.

The Conqueror, who, sparing of human blood when victory favored, stayed the uplifted arm and nobly said to the vanquished enemy, "Live!"

The Statesman, the correctness of whose principles and the strength of whose mind are inscribed on the records of Congress and on the annals of the council chamber; whose genius impressed itself upon the constitution of his country; and whose memory, the government—illustrious fabric, resting on this basis—will perpetuate while it lasts; and shaken by the violence of party should it fall, which may heaven avert, his prophetic declarations will be found inscribed on its ruins.

The Counsellor, who was at once the pride of the bar and the admiration of the court; whose apprehensions were quick as lightning, and whose development

of truth was luminous as its path; whose argument no change of circumstances could embarrass; whose knowledge appeared intuitive; and who by a single glance, and with as much facility as the eye of the eagle passes over the landscape, surveyed the whole field of controversy; saw in what way truth might be most successfully defended and how error must be approached; and who, without ever stopping, ever hesitating, by a rapid and manly march, led the listening judge and the fascinated juror, step by step, through a delightsome region, brightening as he advanced, till his argument rose to demonstration, and eloquence was rendered useless by conviction; whose talents were employed on the side of righteousness; whose voice, whether in the council chamber, or at the bar of justice, was virtue's consolation; at whose approach oppressed humanity felt a secret rapture, and the heart of injured innocence leaped for joy.

Where Hamilton was, in whatever sphere he moved, the friendless had a friend, the fatherless a father, and the poor man, though unable to reward his kindness, found an advocate. It was when the rich oppressed the poor; when the powerful menaced the defenceless; when truth was disregarded or the eternal principles of justice violated; it was on these occasions that he exerted all his strength; it was on these occasions that he sometimes soared so high and shone with a radiance of transcendent, I had almost said, so "heavenly, as filled those around him with awe and gave to him the force and authority of a prophet."

The Patriot, whose integrity baffled the scrutiny of inquisition; whose manly virtue never shaped itself

to circumstances; who, always great, always himself, stood amidst the varying tides of party, firm, like the rock which, far from land, lifts its majestic top above the waves and remains unshaken by the storms which agitate the ocean.

The Friend, who knew no guile; whose bosom was transparent and deep; in the bottom of whose heart was rooted every tender and sympathetic virtue; whose various worth opposing parties acknowledged while alive, and on whose tomb they unite, with equal sympathy and grief, to heap their honors.

I know he had his failings. I see, on the picture of his life—a picture rendered awful by greatness, and luminous by virtue—some dark shades. On these let the tear that pities human weakness, fall; on these let the veil which covers human frailty rest. As a hero, as a statesman, as a patriot, he lived nobly: and would to God I could add, he nobly fell. Unwilling to admit his error in this respect, I go back to the period of discussion. I see him resisting the threatened interview. I imagine myself present in his chamber. Various reasons, for a time, seem to hold his determination in arrest. Various and moving objects pass before him and speak a dissuasive language. His country, which may need his counsels to guide, and his arm to defend, utters her veto. The partner of his youth, already covered with weeds, and whose tears flow down into her bosom, intercedes! His babes, stretching out their little hands and pointing to a weeping mother, with lisping eloquence, but eloquence which reaches the parent's heart, cry out, "Stay, stay, dear papa, and live for us!"

In the meantime the spectre of a fallen son, pale and ghastly, approaches, opens his bleeding bosom and as the harbinger of death points to the yawning tomb and warns a hesitating father of the issue! He pauses, reviews these sad objects, and reasons on the subject. I admire his magnanimity, I approve his reasoning, and I wait to hear him reject with indignation the murderous proposition and to see him spurn from his presence the presumptuous bearer of it. But I wait in vain. It was a moment in which his great wisdom forsook him—a moment in which Hamilton was not himself. He yielded to the force of an imperious custom; and, yielding, he sacrificed a life in which all had an interest—and he is lost—lost to his country, lost to his family, lost to us. For this act, because he disclaimed it and was penitent, I forgive him. But there are those whom I cannot forgive. I mean not his antagonist; over whose erring steps, if there be tears in heaven, a pious mother looks down and weeps.

If he be capable of feeling, he suffers already all that humanity can suffer—suffers, and wherever he may fly will suffer, with the poignant recollection of having taken the life of one who was too magnanimous, in return, to attempt his own. Had he known this, it must have paralyzed his arm while it pointed at so incorruptible a bosom the instrument of death. Does he know this now? His heart, if it be not adamant, must soften—if it be not ice, must melt. But on this article I forbear. Stained with blood as he is, if he be penitent, I forgive him—and if he be not, before these altars, where all of us appear as suppliants, I wish not to excite your vengeance, but rather, in behalf of an

object rendered wretched and pitiable by crime, to wake your prayers.

But I have said, and I repeat it, there are those whom I cannot forgive. I cannot forgive that minister at the altar who has hitherto forborne to remonstrate on this subject. I cannot forgive that public prosecutor who, entrusted with the duty of avenging his country's wrongs, has seen those wrongs and taken no measures to avenge them. I cannot forgive that judge upon the bench, or that governor in the chair of state, who has lightly passed over such offences. I cannot forgive the public, in whose opinion the duellist finds a sanctuary. I cannot forgive you, my brethren, who till this late hour have been silent while successive murders were committed.

No; I cannot forgive you that you have not, in common with the freemen of this State, raised your voice to the powers that be and loudly and explicitly demanded an execution of your laws; demanded this in a manner which, if it did not reach the ear of government, would at least have reached the heavens and pleaded your excuse before the God that filleth them—in whose presence as I stand I should not feel myself innocent of the blood that crieth against us had I been silent. But I have not been silent. Many of you who hear me are my witnesses—the walls of yonder temple, where I have heretofore addressed you, are my witnesses, how freely I have animadverted on this subject in the presence both of those who have violated the laws and of those whose indispensable duty it is to see the laws executed on those who violate them.

I enjoy another opportunity; and would to God I

might be permitted to approach for once the last scene of death. Would to God I could there assemble, on the one side, the disconsolate mother with her seven fatherless children; and on the other those who administer the justice of my country. Could I do this, I would point them to these sad objects. I would entreat them, by the agonies of bereaved fondness, to listen to the widow's heartfelt groans; to mark the orphan's sighs and tears. And having done this, I would uncover the breathless corpse of Hamilton—I would lift from his gaping wound his bloody mantle—I would hold it up to heaven before them, and I would ask, in the name of God, I would ask whether at the sight of it they felt no compunction?

You will ask, perhaps, what can be done to arrest the progress of a practice which has yet so many advocates? I answer, nothing—if it be the deliberate intention to do nothing. But, if otherwise, much is within our power. Let, then, the governor see that the laws are executed; let the council displace the man who offends against their majesty; let courts of justice frown from their bar, as unworthy to appear before them, the murderer and his accomplices; let the people declare him unworthy of their confidence who engages in such sanguinary contests; let this be done, and should life still be taken in single combat, then the governor, the council, the court, the people, looking up to the Avenger of sin, may say, "We are innocent, we are innocent." Do you ask how proof can be obtained? How can it be avoided? The parties return, hold up before our eyes the instruments of death, publish to the world the circumstances of their interview,

and even with an air of insulting triumph boast how coolly and deliberately they proceeded in violating one of the most sacred laws of earth and heaven!

Ah! ye tragic shores of Hoboken, crimsoned with the richest blood, I tremble at the crimes you record against us—the annual register of murders which you keep and send up to God! Place of inhuman cruelty! beyond the limits of reason, of duty, and of religion, where man assumes a more barbarous nature and ceases to be man. What poignant, lingering sorrows do thy lawless combats occasion to surviving relatives! Ye who have hearts of pity—ye who have experienced the anguish of dissolving friendship—who have wept, and still weep, over the moldering ruins of departed kindred, ye can enter into this reflection.

O thou disconsolate widow! robbed, so cruelly robbed, and in so short a time, both of a husband and a son, what must be the plentitude of thy sufferings! Could we approach thee, gladly would we drop the tear of sympathy and pour into thy bleeding bosom the balm of consolation! But how could we comfort her whom God hath not comforted? To his throne let us lift up our voice and weep. O God! if thou art still the widow's husband and the father of the fatherless, if in the fulness of thy goodness there be yet mercies in store for miserable mortals, pity, O pity this afflicted mother, and grant that her hapless orphans may find a friend, a benefactor, a father, in thee! On this article I have done, and may God add his blessing.

But I have still a claim upon your patience. I cannot here repress my feelings and thus let pass the present opportunity.

"How are the mighty fallen." And, regardless as we are of vulgar deaths, shall not the fall of the mighty affect us? A short time since, and he who is the occasion of our sorrows was the ornament of his country. He stood on an eminence, and glory covered him. From that eminence he has fallen—suddenly, forever fallen. His intercourse with the living world is now ended; and those who would hereafter find him must seek him in the grave. There, cold and lifeless, is the heart which just now was the seat of friendship. There, dim and sightless, is the eye whose radiant and enlivening orb beamed with intelligence; and there, closed forever, are those lips on whose persuasive accents we have so often and so lately hung with transport! From the darkness which rests upon his tomb there proceeds, methinks, a light in which it is clearly seen that those gaudy objects which men pursue are only phantoms. In this light, how dimly shines the splendor of victory; how humble appears the majesty of grandeur! The bubble which seemed to have so much solidity has burst; and we again see that all below the sun is vanity.

True, the funeral eulogy has been pronounced; the sad and solemn procession has moved; the badge of mourning has already been decreed, and presently the sculptured marble will lift up its front, proud to perpetuate the name of Hamilton and rehearse to the passing traveller his virtues. Just tributes of respect! And to the living useful. But to him, moldering in the narrow and humble habitation, what are they? How vain! how unavailing!

Approach, and behold while I lift from this sepul-

chre its covering! Ye admirers of his greatness; ye emulous of his talents and his fame, approach, and behold him now. How pale! How silent! No martial bands admire the adroitness of his movements; no fascinating throng weep, and melt, and tremble at his eloquence! Amazing change! A shroud! a coffin; a narrow, subterraneous cabin! This is all that now remains of Hamilton! And is this all that remains of him? During a life so transitory, what lasting monument, then, can our fondest hopes erect?

My brethren! we stand on the borders of an awful gulf, which is swallowing up all things human. And is there, amidst this universal wreck, nothing stable, nothing abiding, nothing immortal, on which poor, frail, dying man can fasten? Ask the hero, ask the statesman, whose wisdom you have been accustomed to revere, and he will tell you. He will tell you, did I say? He has already told you from his deathbed, and his illumined spirit still whispers from the heavens, with well-known eloquence, the solemn admonition.

"Mortals! hastening to the tomb, and once the companions of my pilgrimage, take warning and avoid my errors; cultivate the virtues I have recommended; choose the Saviour I have chosen; live disinterestedly; live for immortality; and, would you rescue anything from final dissolution, lay it up in God."

Thus speaks, methinks, our deceased benefactor, and thus he acted during his last sad hours. To the exclusion of every other concern, religion now claims all his thoughts. Jesus! Jesus, is now his only hope. The friends of Jesus are his friends; the ministers of

the altar his companions. While these intercede, he listens in awful silence, or in profound submission whispers his assent. Sensible, deeply sensible of his sins, he pleads no merit of his own. He repairs to the mercy-seat, and there pours out his penitential sorrows, there he solicits pardon. Heaven, it should seem, heard and pitied the suppliant's cries. Disburdened of his sorrows, and looking up to God, he exclaims, "Grace, rich grace." "I have," said he, clasping his dying hands, and with faltering tongue, "I have a tender reliance on the mercy of God in Christ." In token of this reliance, and as an expression of his faith, he receives the holy sacrament; and having done this, his mind becomes tranquil and serene. Thus he remains, thoughtful indeed, but unruffled to the last, and meets death with an air of dignified composure and with an eye directed to the heavens.

This last act, more than any other, sheds glory on his character. Everything else death effaces. Religion alone abides with him on his death-bed. He dies a Christian. This is all which can be enrolled of him among the archives of eternity. This is all that can make his name great in heaven. Let not the sneering infidel persuade you that this last act of homage to the Saviour resulted from an enfeebled state of mental faculties or from perturbation occasioned by the near approach of death. No; his opinions concerning the divine mission of Jesus Christ and the validity of the holy Scriptures had long been settled, and settled after laborious investigation and extensive and deep research. These opinions were not concealed. I knew them myself. Some of you, who hear me, knew them;

and had his life been spared it was his determination to have published them to the world, together with the facts and reasons on which they were founded.

At a time when scepticism, shallow and superficial indeed, but depraved and malignant, is breathing forth its pestilential vapor, and polluting, by its unhallowed touch, everything divine and sacred, it is consoling to a devout mind to reflect that the great and the wise and the good of all ages, those superior geniuses whose splendid talents have elevated them almost above mortality and placed them next in order to angelic natures—yes, it is consoling to a devout mind to reflect that while dwarfish infidelity lifts up its deformed head and mocks these illustrious personages, though living in different ages, inhabiting different countries, nurtured in different schools, destined to different pursuits, and differing on various subjects, should all, as if touched with an impulse from heaven, agree to vindicate the sacredness of revelation and present with one accord their learning, their talents, and their virtue on the gospel altar as an offering to Emanuel.

This is not exaggeration. Who was it that, overleaping the narrow bounds which had hitherto been set to the human mind, ranged abroad through the immensity of space, discovered and illustrated those laws by which the Deity unites, binds, and governs all things? Who was it, soaring into the sublime of astronomic science, numbered the stars of heaven, measured their spheres, and called them by their names? It was Newton. But Newton was a Christian. Newton, great as he was, received instruction

from the lips and laid his honors at the feet of Jesus. Who was it that developed the hidden combination, the component parts of bodies? Who was it dissected the animal, examined the flower, penetrated the earth, and ranged the extent of organic nature? It was Boyle. But Boyle was a Christian. Who was it that lifted the veil which had for ages covered the intellectual world, analyzed the human mind, defined its powers, and reduced its operations to certain and fixed laws? It was Locke. But Locke too was a Christian.

What more shall I say? For time would fail me to speak of Hale, learned in the law; of Addison, admired in the schools; of Milton, celebrated among the poets; and of Washington, immortal in the field and the cabinet. To this catalogue of professing Christians, from among, if I may speak so, a higher order of beings, may now be added the name of Alexander Hamilton—a name which raises in the mind the idea of whatever is great, whatever is splendid, whatever is illustrious in human nature; and which is now added to a catalogue which might be lengthened—and lengthened—and lengthened, with the names of illustrious characters whose lives have blessed society and whose works form a column high as heaven; a column of learning, of wisdom, and of greatness, which will stand to future ages, an eternal monument of the transcendent talents of the advocates of Christianity, when every fugitive leaf from the pen of the canting infidel witlings of the day shall be swept by the tide of time from the annals of the world and buried with the names of their authors in oblivion.

To conclude. "How are the mighty fallen!" Fallen before the desolating hand of death. Alas! the ruins of the tomb! The ruins of the tomb are an emblem of the ruins of the world; when not an individual, but a universe, already marred by sin and hastening to dissolution, shall agonize and die! Directing your thoughts from the one, fix them for a moment on the other. Anticipate the concluding scene, the final catastrophe of nature, when the sign of the Son of man shall be seen in heaven; when the Son of man himself shall appear in the glory of his Father, and send forth judgment unto victory. The fiery desolation envelops towns, palaces, and fortresses; the heavens pass away! the earth melts! and all those magnificent productions of art which ages heaped on ages have reared up are in one awful day reduced to ashes.

Against the ruins of that day, as well as the ruins of the tomb which precede it, the gospel, in the cross of its great High Priest, offers you all a sanctuary; a sanctuary secure and abiding; a sanctuary which no lapse of time nor change of circumstances can destroy. No; neither life nor death. No; neither principalities nor powers.

Everything else is fugitive; everything else is mutable; everything else will fail you. But this, the citadel of the Christian's hopes, will never fail you. Its base is adamant. It is cemented with the richest blood. The ransomed of the Lord crowd its portals. Embosomed in the dust which it encloses, the bodies of the redeemed "rest in hope." On its top dwells the Church of the first-born, who in delightful response

with the angels of light chant redeeming love. Against this citadel the tempest beats, and around it the storm rages and spends its force in vain. Immortal in its nature, and incapable of change, it stands, and stands firm, amidst the ruins of a moldering world, and endures forever.

Thither fly, ye prisoners of hope!—that when earth, air, elements, shall have passed away, secure of existence and felicity, you may join with saints in glory to perpetuate the song which lingered on the faltering tongue of Hamilton, "Grace—rich grace."

God grant us this honor. Then shall the measure of our joy be full, and to his name shall be the glory in Christ.

Clay, Henry, one of the most celebrated of American orators and statesmen, born in Hanover County, Va., April 12, 1777; died in Washington, D. C., June 29, 1852. Admitted to the bar at an early age, he removed to Kentucky, beginning to practise there at twenty, and meeting with ready success. He entered the Kentucky Legislature in 1804, and two years later became United States Senator. He zealously advocated the second war with England, and in 1814 was one of the commissioners sent to Europe to negotiate a peace treaty. Returning to America he was three times re-elected to Congress, and each term was chosen Speaker of the House. In 1821 he strenuously advocated the "Missouri Compromise." Clay was Secretary of State under John Quincy Adams, and an unsuccessful candidate for the presidency in 1832, and again in 1844. He sat again in the Senate, and helped to secure the passage of the "Compromise Bill" of 1850. Intellectually considered his speeches do not take a high rank, but they were very popular in his day on account of his grace of delivery and his nearly unrivaled eloquence of utterance. His addresses on the Seminole War, on The Greek Revolution, on Dictators in American Politics, with others that might be named, illustrate his peculiar excellencies as well as what might be called his "grand manner," which gave effect to what was said.

DICTATORS IN AMERICAN POLITICS.

DENOUNCING ANDREW JACKSON, DELIVERED IN THE UNITED STATES SENATE, ON THE POINDEXTER RESOLUTION, APRIL 30, 1834.

Never, Mr. President, have I known or read of an administration which expires with so much agony,

and so little composure and resignation, as that which now unfortunately has the control of public affairs in this country. It exhibits a state of mind, feverish, fretful, and fidgety, bounding recklessly from one desperate expedient to another, without any sober or settled purpose. Ever since the dog days of last summer, it has been making a succession of the most extravagant plunges, of which the extraordinary Cabinet paper, a sort of appeal from a dissenting Cabinet to the people, was the first; and the protest, a direct appeal from the Senate to the people, is the last and the worst.

A new philosophy has sprung up within a few years past, called Phrenology. There is, I believe, something in it, but not quite as much as its ardent followers proclaim. According to its doctrines, the leading passion, propensity, and characteristics of every man are developed in his physical conformation, chiefly in the structure of his head. Gall and Spurzheim, its founders, or most eminent propagators, being dead, I regret that neither of them can examine the head of our illustrious Chief Magistrate. But, if it could be surveyed by Dr. Caldwell, of Transylvania University, I am persuaded that he would find the organ of destructiveness prominently developed. Except an enormous fabric of executive power for himself, the President has built up nothing, constructed nothing, and will leave no enduring monument of his administration. He goes for destruction, universal destruction; and it seems to be his greatest ambition to efface and obliterate every trace of the wisdom of his predecessors. He has displayed this remarkable trait

throughout his whole life, whether in private walks or in the public service. He signally and gloriously exhibited that peculiar organ when contending against the enemies of his country, in the battle of New Orleans. For that brilliant exploit, no one has ever been more ready than myself to award him all due honor. At the head of our armies was his appropriate position, and most unfortunate for his fame was the day when he entered on the career of administration as the chief executive officer. He lives by excitement, perpetual, agitating excitement, and would die in a state of perfect repose and tranquillity. He has never been without some subject of attack, either in individuals, or in masses, or in institutions. I, myself, have been one of his favorites, and I do not know but that I have recently recommended myself to his special regard. During his administration this has been his constant course. The Indians and Indian policy, internal improvements, the colonial trade, the Supreme Court, Congress, the bank, have successively experienced the attacks of his haughty and imperious spirit. And if he tramples the bank in the dust, my word for it, we shall see him quickly in chase of some new subject of his vengeance. This is the genuine spirit of conquerors and of conquest. It is said by the biographer of Alexander the Great, that after he had completed his Asiatic conquests, he seemed to sigh because there were no more worlds for him to subdue; and, finding himself without further employment for his valor or his arms, he turned within himself to search the means to gratify his insatiable thirst of glory. What sort of

conquest he achieved of himself, the same biographer tragically records.

Already has the President singled out and designated, in the Senate of the United States, the new object of his hostile pursuit; and the protest, which I am now to consider, is his declaration of war. What has provoked it? The Senate, a component part of the Congress of the United States, at its last adjournment left the Treasury of the United States in the safe custody of the persons and places assigned by law to keep it. Upon reassembling, it found the treasure removed; some of its guardians displaced; all, remaining, brought under the immediate control of the President's sole will; and the President having free and unobstructed access to the public money. The Senate believes that the purse of the nation is, by the Constitution and laws, intrusted to the exclusive legislative care of Congress. It has dared to avow and express this opinion, in a resolution adopted on the twenty-eighth of March last. That resolution was preceded by a debate of three months' duration, in the progress of which the able and zealous supporters of the Executive in the Senate were attentively heard. Every argument which their ample resources, or those of the members of the Executive, could supply was listened to with respect, and duly weighed. After full deliberation, the Senate expressed its conviction that the Executive had violated the Constitution and laws. It cautiously refrained in the resolution from all examination into the motives or intention of the Executive; it ascribed no bad ones to him; it restricted itself to a simple declaration of its solemn belief that

the Constitution and laws had been violated. This is the extent of the offence of the Senate. This is what it has done to excite the Executive indignation and to bring upon it the infliction of a denunciatory protest.

The President comes down upon the Senate and demands that it record upon its journal this protest. He recommends no measure—no legislation whatever. He proposes no executive proceeding on the part of the Senate. He requests the recording of his protest, and he requests nothing more nor less. The Senate has abstained from putting on its own record any vindication of the resolution of which the President complains. It has not asked of him to place it, where he says he has put his protest, in the archives of the Executive. He desires, therefore, to be done for him, on the journal of the Senate, what has not been done for itself. The Senate keeps no recording office for protests, deeds, wills, or other instruments. The Constitution enjoins that "each House shall keep a journal of its proceedings." In conformity with this requirement, the Senate does keep a journal of its proceedings—not the proceedings of the Executive, or any other department of the government, except so far as they relate directly to the business of the Senate. The President sometimes professes to favor a strict construction of the Constitution, at least in regard to the powers of all the departments of the government other than that of which he is the chief. As to that, he is the greatest latitudinarian that has ever filled the office of President. Upon any fair construction of the Constitution, how can the Senate be called upon

to record upon its journal any proceedings but its own? It is true that the ordinary messages of the President are usually inserted at large in the journal. Strictly speaking, it perhaps ought never to have been done; but they have been heretofore registered, because they relate to the general business of the Senate, either in its legislative or executive character, and have been the basis of subsequent proceedings. The protest stands upon totally distinct ground.

The President professes to consider himself as charged by the resolution with "the high crime of violating the laws and Constitution of my country." He declares that "one of the most important branches of the government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declares him guilty of a breach of the laws and Constitution." The protest further alleges that such an act as the Constitution describes "constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to an impeachment by the House of Representatives; and, upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the Constitution." It also asserts: "The resolution, then, was an impeachment of the President, and in its passage amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offence." The President is also of opinion that to say that the resolution does not expressly allege that the assumption of power and authority which it condemns was intentional and corrupt, is no answer to the pre-

ceding view of its character and effect. "The act thus condemned necessarily implies volition and design in the individual to whom it is imputed; and, being unlawful in its character, the legal conclusion is, that it was prompted by improper motives and committed with an unlawful intent." . . . "The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence."

Such are the deliberate views, entertained by the President, of the implications, effects, and consequences of the resolution. It is scarcely necessary to say that they are totally different from any which were entertained by the Senate, or by the mover of the resolution. The Senate carefully abstained from looking into the *quo animo*, from all examination into the motives or intention with which the violation of the Constitution and laws was made. No one knows those motives and intentions better than the President himself. If he chooses to supply the omission of the resolution, if he thinks proper to pronounce his own self-condemnation, his guilt does not flow from what the Senate has done, but from his own avowal. Having cautiously avoided passing upon his guilt by prejudgment, so neither ought his acquittal to be pronounced by anticipation.

But, I would ask, in what tone, temper, and spirit does the President come to the Senate? As a great State culprit who has been arraigned at the bar of justice, or sentenced as guilty. Does he manifest any of those compunctious visitings of conscience which a guilty violator of the Constitution and Laws of the

land ought to feel? Does he address himself to a high court with the respect, to say nothing of humility, which a person accused or convicted would naturally feel? No, no. He comes as if the Senate were guilty, as if he were in the judgment-seat, and the Senate stood before him. He arraigns the Senate; puts it upon trial; condemns it; he comes as if he felt himself elevated far above the Senate, and beyond all reach of the law, surrounded by unapproachable impunity. He who professes to be an innocent and injured man gravely accuses the Senate, and modestly asks it to put upon its own record his sentence of condemnation! When before did the arraigned or convicted party demand of the court which was to try, or had condemned him, to enter upon their records a severe denunciation of their own conduct? The President presents himself before the Senate, not in the garb of suffering innocence, but in imperial and royal costume—as a dictator, to rebuke a refractory Senate; to command it to record his solemn protest; to chastise it for disobedience.

> "The hearts of princes kiss obedience,
> So much they love it; but to stubborn spirits
> They swell, and grow as terrible as storms."

We shall better comprehend the nature of the request which the President has made of the Senate, by referring to his own opinions expressed in the protest. He says that the resolution is a recorded sentence, "but without precedent, just cause, or competent authority." He "is perfectly convinced that the discussion and passage of the above mentioned

resolutions were not only unauthorized by the Constitution, but in many respects repugnant to its provisions, and subversive of the rights secured by it to other co-ordinate departments." We had no right, it seems, then, even to discuss, much less express, any opinion on, the President's proceedings encroaching upon our constitutional powers. And what right had the President to look at all into our discussions? What becomes of the constitutional provision which, speaking of Congress, declares, "for any speech or debate in either House, they shall not be questioned in any other place"?

The President thinks "the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit." He proclaims that the passage, recording, and promulgation of the resolution affixes guilt and disgrace to the President, "in a manner unauthorized by the Constitution." But, says the President, if the Senate had just cause to entertain the belief that the House of Representatives would not impeach him, that cannot justify "the assumption by the Senate of powers not conferred by the Constitution." The protest continues: "It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding, to perceive its utter incompatibility with the provisions and the spirit of the Constitution, and with the plainest dictates of humanity and justice." A majority of the Senate assume the function which belongs to the House of Representatives, and "convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case." If the House of Representa-

tives shall consider that there is no cause of impeachment, and prefer none, "then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution as it relates to both, be more conspicuous and impressive." The Senate is charged with the "unconstitutional power of arraigning and censuring the official conduct of the Executive." The people, says the protest, will be compelled to adopt the conclusion, "either that the Chief Magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice." There can be no doubt which branch of this alternative was intended to be applied. The President throughout the protest labors to prove himself worthy of all respect from the people. Finally, the President says: "It is due to the high trust with which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the Constitution they have established, that I should not permit its provisions to be broken down by such an attack on the Executive department, without at least some effort 'to preserve, protect, and defend them.'"

These are the opinions which the President expresses in the protest, of the conduct of the Senate. In every form, and every variety of expression, he accuses it of violating the express language and spirit of the Constitution; of encroaching not only on his prerogatives, but those of the House of Representatives; of forgetting the sacred character and impartiality which belong to the highest court of justice in

the Union; of injustice, of inhumanity, and of calumny. And we are politely requested to spread upon our own journal these opinions entertained of us by the President, that they may be perpetually preserved and handed down to posterity! The President respectfully requests it! He might as well have come to us and respectfully requested us to allow him to pull our noses, or kick us, or receive his stripes upon our backs. The degradation would not have been much more humiliating.

The President tells us, in the same protest, that any breach or violation of the Constitution and laws draws after it, and necessarily implies, volition and design, and that the legal conclusion is that it was prompted by improper motives and committed with an unlawful intent. He pronounces, therefore, that the Senate, in the violations of the Constitution which he deliberately imputes to it, is guilty; that volition and design, on the part of the Senate, are necessarily implied; and that the legal conclusion is that the Senate was prompted by improper motives, and committed the violation with an unlawful intent. And he most respectfully and kindly solicits the Senate to overleap the restraint of the Constitution, which limits its journal to the record of its own proceedings, and place alongside of them his sentence of condemnation of the Senate.

That the President did not intend to make the journal of the Senate a medium of conveying his sentiments to the people is manifest. He knows perfectly well how to address to them his appeals. And the remarkable fact is established, by his private secre-

tary, that, simultaneously with the transmission to the Senate of his protest, a duplicate was transmitted to the "Globe," his official paper, for publication; and it was forthwith published accordingly. For what purpose, then, was it sent here? It is painful to avow the belief, but one is compelled to think it was only sent in a spirit of insult and defiance.

The President is not content with vindicating his own rights. He steps forward to maintain the privileges of the House of Representatives also. Why? Was it to make the House his ally, and to excite its indignation against the offending Senate? Is not the House perfectly competent to sustain its own privileges against every assault? I should like to see, sir, a resolution introduced into the House, alleging a breach of its privileges by a resolution of the Senate, which was intended to maintain unviolated the constitutional rights of both Houses in regard to the public purse, and to be present at its discussion.

The President exhibits great irritation and impatience at the presumptuousness of a resolution, which, without the imputation of any bad intention or design, ventures to allege that he has violated the Constitution and laws. His constitutional and official infallibility must not be questioned. To controvert it is an act of injustice, inhumanity, and calumny. He is treated as a criminal, and, without summons, he is prejudged, condemned, and sentenced. Is the President scrupulously careful of the memory of the dead, or the feelings of the living, in respect to violations of the Constitution? If a violation by him implies criminal guilt, a violation by them cannot be innocent

and guiltless. And how has the President treated the memory of the immortal Father of his Country? that great man, who, for purity of purpose and character, wisdom and moderation, unsullied virtue and unsurpassed patriotism, is without competition in past history or among living men, and whose equal we scarcely dare hope will ever be again presented as a blessing to mankind. How has he been treated by the President? Has he not again and again pronounced that, by approving the bill chartering the first Bank of the United States, Washington violated the Constitution of his country? That violation, according to the President, included volition and design, was prompted by improper motives, and was committed with an unlawful intent. It was the more inexcusable in Washington, because he assisted and presided in the convention which formed the Constitution. If it be unjust to arraign, try unheard, and condemn as guilty, a living man filling an exalted office, with all the splendor, power, and influence which that office possesses, how much more cruel is it to disturb the sacred and venerated ashes of the illustrious dead, who can raise no voice and make no protests against the imputation of high crime!

What has been the treatment of the President toward that other illustrious man, yet spared to us, but who is lingering upon the very verge of eternity? Has he abstained from charging the Father of the Constitution with criminal intent in violating the Constitution? Mr. Madison, like Washington, assisted in the formation of the Constitution; was one of its ablest expounders and advocates; and was opposed, on

constitutional ground, to the first Bank of the United States. But, yielding to the force of circumstances, and especially to the great principle, that the peace and stability of human society require that a controverted question, which has been finally settled by all the departments of government by long acquiescence, and by the people themselves, should not be open to perpetual dispute and disturbance, he approved the bill chartering the present Bank of the United States. Even the name of James Madison, which is another for purity, patriotism, profound learning, and enlightened experience, cannot escape the imputations of his present successor.

And, lastly, how often has he charged Congress itself with open violations of the Constitution? Times almost without number. During the present session he has sent in a message, in regard to the land bill, in which he has charged it with an undisguised violation. A violation so palpable, that it is not even disguised, and must, therefore, necessarily imply a criminal intent. Sir, the advisers of the President, whoever they are, deceive him and themselves. They have vainly supposed that, by an appeal to the people, and an exhibition of the wounds of the President, they could enlist the sympathies and the commiseration of the people—that the name of Andrew Jackson would bear down the Senate and all opposition. They have yet to learn, what they will soon learn, that even a good and responsible name may be used so frequently, as an indorser, that its credit and the public confidence in its solidity have been seriously impaired. They mistake the intelligence of the people, who are not pre-

pared to see and sanction the President putting forth indiscriminate charges of a violation of the Constitution against whomsoever he pleases, and exhibiting unmeasured rage and indignation when his own infallibility is dared to be questioned.

ON THE EXPUNGING RESOLUTIONS.

PERORATION OF THE SPEECH OF JANUARY 16, 1837, DELIVERED IN THE UNITED STATES SENATE AGAINST ANDREW JACKSON.

Mr. President:

WHAT patriotic purpose is to be accomplished by this Expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought to be circumscribed, and that of the President so restricted that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the Executive. And although the theory of the Constitution supposes, when consulted by him, it may freely give an affirmative or negative response, according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment, of the community. The Senate has no army, no navy, no patronage, no lucrative of-

fices, no glittering honors, to bestow. Around us there is no swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

How is it with the President? Is he powerless? He is felt from one extremity to the other of this vast Republic. By means of principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises, uncontrolled, the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependants and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take as one example the Bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the President; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power he designates his successor, and transmits it to his favorite! What more does he want? Must we blot, deface, and mutilate the records of the country, to punish the presump-

tuousness of expressing an opinion contrary to his own?

What patriotic purpose is to be accomplished by this Expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March, 1834, a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize us.

"Ne'er yet did base dishonor blur our name,"

Standing securely upon our conscious rectitude, and bearing aloft the shield of the Constitution of our country, your puny efforts are impotent; and we defy all your power. Put the majority of 1834 in one scale, and that by which this Expunging resolution is to be carried in the other, and let truth and justice, in heaven above and on earth below, and liberty and patriotism, decide the preponderance.

What patriotic purpose is to be accomplished by this Expunging resolution? Is it to appease the wrath and to heal the wounded pride of the Chief Magistrate? If he be really the hero that his friends represent him he must despise all mean condescension, all grovelling sycophancy, all self-degradation and self-abasement. He would reject, with scorn and contempt, as un-

worthy of his fame, your black scratches and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the Secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that Senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remains to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this Expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of "the Knights of the Black Lines."

But why should I detain the Senate, or needlessly waste my breath in fruitless exertions? The decree has gone forth. It is one of urgency, too. The deed is to be done—that foul deed which, like the blood, staining the hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and, like other skilful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious hours you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burned at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defence of the Constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or outrageous act any President

may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what powers he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the halls of the Capitol, overawe Congress, trample down the Constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice. Tell them that it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance. And, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen.

ON THE SEMINOLE WAR.

HOUSE OF REPRESENTATIVES, JANUARY 19, 1819.

If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What, then, was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew (said he) that we were

fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, Give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, and gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country. She, perhaps was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians and fugitive slaves. And while carrying on this inglorious war, inglorious as regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might

be taken by this miserable combination of Indians and slaves. . . .

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without the solemn expression of the disapprobation of this House. Recall to your recollection the free nations which have gone before us. Where are they now?

> "Gone glimmering through the dream of things that were,
> A schoolboy's tale, the wonder of an hour."

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, No! no! we have nothing to fear from our heroes, our liberties will be eternal. If a Roman citizen had been asked if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Staël, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of

the Directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and, dispersing with the bayonet the deputies of the people deliberating on the affairs of the State, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that General Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the Republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the Executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the larger portion of it, is gazing with contempt, with jealousy, and with envy; the other portion with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the West, to enlighten and animate and gladden the human heart. Obscure that by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity the fair character and liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down, law, justice, the Constitution, and the rights of the people? by exhibiting examples of inhumanity and cruelty and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation! Behold, said they, the conduct of those who are constantly reproaching kings! You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally com-

pelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our Republic, scarcely yet two-score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split we must avoid their errors.

How different has been the treatment of General Jackson and that modest, but heroic young man, a native of one of the smallest States in the Union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia, Mr. Johnson, the faithful and consistent sentinel of the law and of the Constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased until the recent atonement, so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the President for not ordering a court of inquiry, or a

general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this House, a triumph over the Constitution of the land. And I pray most devoutly to Heaven that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

THE EMANCIPATION OF SOUTH AMERICA.

HOUSE OF REPRESENTATIVES, MARCH 24, 1818.

I RISE under feelings of deeper regret than I have ever experienced on any former occasion, inspired principally by the consideration that I find myself, on the proposition which I meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has in-

duced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I cannot hesitate, when reduced to the distressing alternative of conforming my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation for the want of their co-operation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which I refer is the utter incompetency which I unfeignedly feel to do anything like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the House.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain, or with any power. I would give no just cause of war to any power—not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country on earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers

doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of States jealous of our rising importance; we have every motive for the love of peace. I cannot, however, approve in all respects of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the Peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command; this is the auspicous period for insisting upon justice at her hands in a firm and decided tone. Time is precisely what Spain now wants. Yet what are we told by the President, in his message at the commencement of Congress? That Spain has procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in a late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish Minister, with a good deal of sang-froid, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer. I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption to the right of the depot at New Orleans, guaranteed by

treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use of her ports and territories by our enemy during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneously with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognize any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings as to the ultimate step which this country might adopt if she longer withheld justice from us. And if she persevered in her iniquity, after we had conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause for war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges that so shakes the foundation of society, overturns or changes the character of government, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last, is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying that no mode of bringing it about could be less fortunate than that of

seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman, if we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose would not hazard, in the slightest degree, the peace of the country. But if that peace is to be endangered, I would infinitely rather it should be for our exerting the right appertaining to every State, of acknowledging the independence of another State, than for the seizure of a province, which, sooner or later, we must acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is fixed

first by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida), around the Gulf of Mexico and along the South Atlantic to near Cape Horn, it is about five thousand miles in length, and in some places nearly three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation, the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people struggling to burst their chains and to be free. When we take a little nearer and more detailed view we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain or the viceroyalty of Mexico on the south; passing by Guatemala, we reach the viceroyalty of New Granada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes we find Chile on their west side, and, further north, the viceroyalty of Lima, or Peru. of limits to constitute a powerful State, and, in point Each of these several parts is sufficient in itself in point of population, that which has the smallest contains enough to make it respectable. Throughout all the ex-

tent of that great portion of the world which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system have been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one viceroyalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the viceroyalty of New Granada. The agriculture of those vast regions was so regulated and restrained as to prevent all collision with the agriculture of the Peninsula. Where nature, by the character and composition of the soil, has

commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the Peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly, existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writings upon political economy, or that tend to give vigor and freedom and expansion to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depons and other works. A main feature in her policy is that which constantly elevates the European and depresses the American character. Out of upward of seven hundred and fifty viceroys and captains-general, whom she has appointed since the conquest of America, about eighteen only have been from the body of her American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, everything seems to pine and wither beneath its baneful influence. The richest regions of the earth; man, his happiness and his education, all the fine faculties of his soul, are regulated and modified and molded to

suit the execrable purposes of an inexorable despotism.

Such is the brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The King of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the King of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved, and each integral part had a right to seek its own happiness by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right, upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our

own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered but comparatively little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; we have a right, as a sovereign power, to notice the fact and to act as circumstances and our interest require. I will say, in the language of the venerated Father of my Country, "born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom." Whenever I think of Spanish America, the image irresistibly forces itself upon my mind of an elder brother, whose education has been neglected, whose person has

been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him. . . .

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There cannot be a doubt that Spanish America, once independent, whatever may be the form of government established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction, to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and

observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our Revolutionary papers:

"Having then been thus impelled by the Spaniards and their king, we have calculated all the consequences and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives, and fortune. We have sworn to the only King we acknowledge, the Supreme Judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us, to be buried in ruins, and inundated with blood, by the hands of the executioner," etc.

But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government. And I refuse assent to the further conclusion if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasquez, and Gama, and other illustrious contributors to science. They have nine universities, and in the City of Mexico, it is affirmed by Humboldt, there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a State paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present condition of Spanish America from what it was under the debasing system of Spain. The eight years' revolution in which it has been en-

gaged has already produced a powerful effect. Education has been attended to, and genius developed.

"As soon as the project of the revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs allowed, everything has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone, as many periodical works weekly issue from the press as in Spain and Portugal put together."

It is not therefore true, that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded to particular nations; and our pride and our presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses,

even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer whose intercession we expect to save us. Nor is there anything in the Catholic religion unfavorable to freedom. All religions united with government are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition from ours should not be forgotten. Everything is progressive; and, in time, I hope to see them imitating in this respect our example. But grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system whose tendency is to stifle the faculties of the soul and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you

nobly fought? No, no! It was the chains that were forging for your posterity that made you fly to arms, and, scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

Brooks, Preston S., an American lawyer and politician, born in Edgefield District, S. C., August 4, 1819; died in Washington, D. C., January 27, 1857. He studied law and was admitted to the South Carolina bar in 1843. He was elected to the State Legislature in 1844, and during the war with Mexico served as captain of a Carolina regiment. He entered Congress in 1853, and on May 22, 1856, he made a brutal assault upon Charles Sumner on account of words uttered by the latter in the course of debate. Brooks afterwards resigned his seat in Congress, but was unanimously re-elected by his constituents. On July 14, 1856, he addressed the House of Representatives in relation to his assault upon Sumner and defended his action. He took part in several heated Congressional debates, speaking on the Nebraska bill only three weeks prior to his death. His oratory was of a very perfervid, impassioned character.

SPEECH ON THE SUMNER ASSAULT.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 14, 1856.

Mr. Speaker,—Some time since a senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State, and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world and circulated extensively this uncalled-for libel on my State and my blood. Whatever insults my State insults me. Her history and character have commanded my pious veneration; and in her defence I

hope I shall always be prepared, humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps the good opinion of my countrymen, if I had failed to resent such an injury by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands I meant no disrespect to the Senate of the United States or to this House.

Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities, I incurred and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now believe, that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places and permit a member of Congress to publish and circulate a libel on another, and then call upon either House to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable there and not here. They had no right, as it seems to me, to prosecute me in these halls, nor have you the right in law or under the constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The constitution does not justify them in

making such a request, nor this House in granting it.

If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy it will be to use such precedents for the excuse of arbitrary power, in either house, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the House to which they belong.

Matters may go smoothly enough when one House asks the other to punish a member who is offensive to a majority of its own body; but how will it be when, upon a pretense of insulted dignity, demands are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant?

It could never have been designed by the constitution of the United States to expose the two Houses to such temptations to collision, or to extend so far the discretionary power which was given to either House to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law and under the influence of party dictation it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are

involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject, in the shape it has now assumed, may not only involve my friends, but the House itself, in agitations which might be unhappy in their consequences to the country.

If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account which possibly they would not run on their own.

Sir, I cannot, on my own account, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this government and in drenching this hall in blood. No act of mine, on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know.

If I desired to kill the senator, why did not I do it? You all admit that I had him in my power. Let me

tell the member from New Jersey that it was expressly to avoid taking life that I used an ordinary cane, presented to me by a friend in Baltimore nearly three months before its application to the "bare head" of the Massachusetts senator. I went to work very deliberately, as I am charged—and this is admitted—and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but knowing that the senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt anything I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers why I did not invite the senator to personal combat in the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House and answer here.

My answer is that the senator would not accept a message; and, having formed the unalterable determination to punish him, I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery. That is my answer.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to

those who are from non-slave-owning States, who have magnanimously sustained me and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave I feel that it is proper that I should say that I believe that some of the votes that have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings or opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you and to this House that I am no longer a member of the Thirty-fourth Congress.

[illegible]

WITHDRAWN

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